



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan
AGENDA
August 13, 2008
10:00 a.m.

1. Call to Order and Determination of Quorum
2. Approval of Agenda (pages 1-2)
3. Approval of Minutes — June 11, 2008 (pages 3-20)
4. Manufactured Housing Commission Fees Financial Report (pages 21)
5. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 5 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes.]

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Brenda Caron at (517) 241-9317 at least 10 work days before the event. DLEG is an equal opportunity employer/program.

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6. Imposition of Penalties
 - a. Pleasant Lake Mobile Home Community and Peter Kostishak, Resident Agent and Operator (pages 22-53)
7. Variances
 - a. Village on the Lake, LLC (Oakland County) (pages 54-68)
8. Committee Reports
 - a. Executive Director's Ordinance Report
 - b. Ordinance Review Committee (pages 69-191)
9. Old Business
 - a. Canton Township Ordinance Update (page 192)
10. New Business
 - a. Ordinance Review Committee Appointments
 - b. Report on Annual Inspections of Manufactured Home Communities
 - c. License Approval (page 193)
11. Executive Director's Report
12. Other Business
13. Adjournment



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STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES — DRAFT

June 11, 2008
10:00 a.m.

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Ms. Brenda Abbey
Ms. Betty Blackburne
Ms. Kathy Edwards-Johnson
Ms. Carole Elliott

Ms. Mary Fowlie
Mr. Kevin Gillette
Mr. Mark Raukar
Mr. Jerome Ruggirello

MEMBERS ABSENT

Mr. David Hagey – Excused

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH PERSONNEL ATTENDING

Mr. Larry Lehman, Chief, Building Division, Bureau of Construction Codes (BCC)
Mr. Charles Curtis, Assistant Chief, Building Division, BCC
Mrs. Brenda Caron, Executive Secretary, Building Division, BCC
Mr. Scott Fisher, Director, Office of Local Government & Consumer Services (OLGCS), BCC
Mr. Kevin DeGroat, Regulation Specialist, BCC
Mr. Bill DeTemple, Analyst, OLGCS, BCC

OTHERS IN ATTENDANCE

Mr. Greg Davidson, Greg's Maintenance	Mr. Ken Peterson, South Lansing Homeowners Assn.
Mr. Tim DeWitt, MMHA	Sgt. Rick Pomorski, Canton Police Department
Ms. Cyndie Drago, Holiday Estates Homeowners Assn	Mr. Lyn Wellhausen, Rudgate Communities
Sgt. Debra Newsome, Canton Police Department	

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1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at approximately 10:03 a.m. by Chairperson Blank. A quorum was determined to be present at that time.

2. **APPROVAL OF THE AGENDA**

A **MOTION** was made by Commissioner Elliott and supported by Commissioner Edwards-Johnson to approve the Agenda with the addition of item, "c. Greg Davidson Pending License", under "New Business". **MOTION CARRIED.**

****Addendum 1

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Commissioner Elliott and supported by Commissioner Edwards-Johnson to approve the minutes of the April 16, 2008, meeting. **MOTION CARRIED.**

****Addendum 2

4. **PRESENTATION TO FORMER MHC CHAIRMAN BRIAN FANNON**

Mr. Brian Fannon was unable to attend today's meeting, so the presentation did not take place.

5. **PUBLIC COMMENT**

Mr. Ken Peterson, President of the South Lansing Manufactured Homeowners Association, asked to speak before the Commission regarding his concerns with the enforcement of licensing within his community and other manufactured home communities in Michigan, as well as the annual inspection process. He provided Commissioners with a handout regarding his concerns.

Mr. Lyn Wellhausen, representing Rudgate Communities, asked to speak before the Commission regarding his concerns about the lack of analysts available within the Bureau of Construction Codes to work on manufactured housing cases. He wondered if there are any plans to supplement the need within the Bureau? Mr. Fisher, Director of the Bureau's Office of Local Government & Consumer Services, indicated that he doesn't see this happening at this time.

6. **IMPOSITION OF PENALTIES**

There was no imposition of penalties.

7. **VARIANCES**

There were no variance requests.

8. **COMMITTEE REPORTS**

Ordinance Review Committee

Canton Township (Wayne County)

Sgt. Richard Pomorski and Sgt. Debra Newsome from Canton Police Department were present to represent the township.

Mr. DeGroat reviewed the request

(Note: Since the proposed ordinance was already reviewed by the Ordinance Review Committee, a copy of the proposal was not included in the Commission meeting packet for today's meeting) This particular ordinance is for rental housing inspections/registration which would apply not only to manufactured housing but other forms of housing as well. The Ordinance Review Committee did review the proposed ordinance (there was only 1 member of committee present at meeting) and had no objections to it. It was recommended that the Commission approve, per staff's analysis, the provisions which apply to manufactured housing. Basically, the ordinance is patterned quite closely to the International Property Maintenance Code.

Commissioner Gillette apologized for not making the Ordinance Review Committee meeting held in May, but after reviewing the proposed ordinance he stated that he thought it was very well drafted. He indicated that the International Property Maintenance Code does not make exemptions for categories of housing. It's pretty uniform across the board. He feels that if Canton Township is going to follow the International Property Maintenance guidelines (which the State mandates local municipalities adopt), he doesn't see any reason to discuss any exceptions or exemptions to their proposed ordinance. He would recommend adopting it the way it's drafted.

Chairperson Blank indicated that since the Commission hasn't had this type of an ordinance before them in the past, that his recommendation would be to set up an ad hoc committee (made up of a few industry people, consumers, local government, etc., to get a fair mix) to discuss these rental housing inspection ordinances. He also recommended that Commissioner Ruggirello chair the ad hoc committee. His thought was that the ad hoc committee may be able to meet and some sort of a model ordinance could be generated as a result of that committee coming back to the Commission.

Mr. DeGroat reminded the Commission that there is a 60-day statutory review deadline on ordinances. So if the ordinance is not approved within 60 days, it would be deemed automatically approved "as written", unless the township wishes to extend the 60-day review period.

Sgt. Pomorski gave a brief overview of what's going on in Canton Township as far as their manufactured housing communities. He indicated that because of all of the foreclosures that are taking place, not only are their homes suffering, but also their mobile home parks. Many of them are only half full, there are abandoned structures that are deteriorated, there is debris collecting, parking lots are in shambles. They have no way right now, according to the public act and the code, to enforce any of that. What they want to do is apply the same property maintenance standards as the rest of the community to their mobile home parks to bring them up to the same standards. Since they are probably the first local municipality to come before the Commission to ask for this, what they would like to do is have the Commission give them the authority for 6 months and work with them, then come back in 6 months and review it. If they need to change a procedure, then change a procedure. They would help the Commission develop forms, policy, procedures, etc. They could come to the Bureau once a month or once every two months. At the Commission meetings they could give an update and let the Commission know how it's going. Use them as a trial period. They would like the Commission to take action on this, because their mobile home parks are getting quite bad. They're getting many complaints from the residents, and unfortunately there is nothing they can do right now because they need permission from the Commission to go forth.

Commissioner Raukar indicated that many of the things Sgt. Pomorski mentioned as needing attention in the communities are inspected and enforced by the Commission through the Bureau of Construction Codes. Sgt. Pomorski indicated that in reviewing some of the annual inspection reports, that there have been repeated violations of the same thing year after year after year, and there is nothing being done by the owners.

Mr. Lehman stated that in general when you're talking about individual home units, those are not the responsibility of the Commission nor the local enforcing agency. The Property Maintenance Code can be used currently for an unsafe structure. Your local building department has a reference from both the Building Code and the Residential

Code and they can apply that to an unsafe structure. For example, if the roof is caving in, if there are cracked walls, there is unsafe means of egress, the siding is open, if there is unsafe electrical, mechanical, or plumbing; those are unsafe structure provisions that your building, electrical, mechanical, or plumbing department can do an inspection on, issue a report, and order demolition on if deemed appropriate. They have that authority according to the referenced standards. Where it does get questionable on is the other issues, such as the junk cars, the tall grass and those type issues; those are the authority of the Property Maintenance Code and that's why we need at some point in time these types of rental ordinances. Mr. Lehman thinks the intention behind this ordinance is that the Township is looking for the Commission to approve a rental ordinance, so that every 2 years a property maintenance inspector would go in and do a rental inspection and charge a fee for the individual homes that are rented within a manufactured home community. He pointed out that one of the things we have to be careful about in this ordinance is that we do not impose construction regulations, because the Property Maintenance Code does not have that authority.

Commissioner Elliott asked if the Township had a blight ordinance right now that they could enforce? Sgt. Pomorski indicated that yes it was in their ordinance, but they need the authority to enforce it. Commissioner Ruggirello asked if the Township had sought the legal opinion from their municipal attorney? Sgt. Pomorski indicated that it was at their attorney's office right now, but after speaking with Mr. Lehman and Mr. DeGroat about this issue and reading the March 2008 Technical Bulletin it stated in order to enforce those issues, you have to get permission by the Commission first. So that's what they are trying to do. Commissioner Ruggirello asked if they were seeking *approval* of their ordinance or *permission to enforce* the Township's ordinance? These are two different issues. Approval of an ordinance is no problem, but if the Township is seeking permission to enforce their own ordinance, then Commissioner Ruggirello suggested submitting this to the Attorney General's office and asking for their opinion on it. Chairperson Blank indicated that if the Attorney General blesses it then the Township doesn't have to come back to the Commission, they just enforce it based on the AG's opinion.

Mr. Lehman asked that since he hasn't even seen a copy of the ordinance in question, that Sgt. Pomorski submit the Township's rental ordinance to both him and Mr. DeGroat along with their questions. After reviewing, if they still have questions it would then be appropriate for them to forward to the AG's office.

A **MOTION** was made by Commissioner Raukar and supported by Commissioner Gillette to table this agenda item at the request of Canton Township until the next Commission meeting on August 13, 2008. **MOTION CARRIED.**

Commissioner Elliott suggested that we ask former State Representative Ruth Ann Jamnick to participate on an ad hoc committee if one is formed, since she worked very diligently on manufactured housing issues as a state representative and is very knowledgeable. Commissioner Ruggirello also suggested that someone from the Michigan Manufactured Housing Association be appointed to the committee, as well as a BCC staff person.

Allendale Township (Ottawa County)

No one was present to represent the township.

Mr. DeGroat reviewed the request.

This is also a rental housing registration ordinance, and will apply to tenant-occupied rental manufactured homes, whether inside or outside of a manufactured housing community.

A **MOTION** was made by Commissioner Raukar and supported by Commissioner Edwards-Johnson to deny the proposed local ordinance with the understanding that additional action will be taken after review by the ad hoc committee. Commissioner Gillette opposed the motion. **MOTION CARRIED.**

****Addendum 3

City of Holland (Allegan & Ottawa Counties)

No one was present to represent the city.

Mr. DeGroat reviewed the request.

This is also a rental housing inspection ordinance, and will apply to tenant-occupied rental manufactured homes inside of a manufactured housing community.

A **MOTION** was made by Commissioner Raukar and supported by Commissioner Abbey to deny the proposed local ordinance with the understanding that additional action will be taken after review by the ad hoc committee. **MOTION CARRIED.**

****Addendum 4

Chairperson Blank indicated that he had just received a letter from Cyndie Drago stating that she would like to volunteer to become a member of the Ordinance Review Committee. She is currently the president of the Holiday Estates Homeowners Association and on the Board of Directors for MOLA of Michigan.

Since there has been a lack of committee members attending the Ordinance Review Committee meetings, Chairperson Blank suggested that Mr. DeGroat personally contact each of the current members to determine which members still wish to be part of the committee. If they are still interested, indicate that we need them to show up and be active participants at a majority of the meetings. He also indicated that we need to put the word out that we are seeking additional interested people to be part of this committee. Then hopefully by the next meeting we can gather all their information to be included in the meeting packet, so the Commission has an opportunity to look at their qualifications and can make appointments to this committee.

9. **OLD BUSINESS**

There was no old business to discuss.

10. **NEW BUSINESS**

Report on Annual Inspections of Manufactured Home Communities

Mr. Lehman reported that Bureau inspectors have completed about 77% of the annual inspections for 2008. He noted that the percentage of manufactured home communities without violations is 61%; 39% had at least one violation. Approximately 23% of the annual inspections are yet to be completed.

Commissioner Raukar asked that the Bureau inspectors be reminded to make contact with the manufactured home communities prior to the annual inspection being conducted, so that a community representative can be present during the inspection. This would be very helpful and could eliminate some of the items that the communities are being written up for as violations if a community representative could be there to clarify items. Mr. Lehman indicated that he would send a reminder email to all of the inspectors to make at least two phone calls to the community operator prior to doing the annual inspection.

License Approval

After discussion, a **MOTION** was made by Commissioner Gillette and supported by Commissioner Elliott to approve all pending licenses. **MOTION CARRIED.**

****Addendum 5

Greg Davidson Pending License

Mr. Davidson was present and gave a brief summary of his past license history

After discussion and review of Mr. Davidson's pending license file, a **MOTION** was made by Commissioner Ruggirello and supported by Commissioner Abbey that no action will be taken until Mr. Davidson pays the outstanding \$2,000 civil fine imposed by the Final Order of the Mobile Home Commission on January 27, 1993, at which time the pending license submission will be forwarded to the Commission for review **MOTION CARRIED.**

11. EXECUTIVE DIRECTOR'S REPORT

Mr. Lehman reported that the Manufactured Housing General Rules are on the Bureau website and can be downloaded. They go into effect on September 2, 2008. We will be providing each of the Commissioners with a hard copy as well.

He also reported that the 2006 Building, Residential and Rehabilitation Codes will go into effect on August 1, 2008. The code books are available; the Bureau has a small amount available in the office for walk-in customers, but in general the purchases will be made through the International Code Council (ICC) through an internet link on the Bureau's website. That way, customers will get a reduced price from ICC and can use a credit card when purchasing.

The Energy Code Committee is still working on updating the residential and commercial energy codes. They hope to be completing that work yet some time in June.

Mr. Lehman then announced that Beth Aben has been appointed Deputy Director of the Bureau, replacing Mark Sisco. Jim Hennesey is now the new Assistant Chief of the Electrical Division, and Dean Austin has been promoted to the Senior Inspector in that division. Kevin Kalakay is the new Assistant Chief of the Mechanical Division, and Jon Paradine has been promoted to the Senior Inspector in that division.

12. OTHER BUSINESS

There was no other business to discuss.

13. ADJOURNMENT

At 11:35 a.m., a **MOTION** was made by Commissioner Gillette and supported by Commissioner Edwards-Johnson to adjourn the meeting. **MOTION CARRIED.**



JENNIFER M. GRANHOLM
GOVERNOR

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DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

AGENDA

June 11, 2008
10:00 a.m.

APPROVED

1. Call to Order and Determination of Quorum
2. Approval of Agenda (pages 1-2)
3. Approval of Minutes — April 16, 2008 (pages 3-33)
4. Presentation to Former Manufactured Housing Commission Chairman Brian Fannon
5. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 5 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes]

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A-1

11

6. Imposition of Penalties
7. Variances
8. Committee Reports
 - a. Ordinance Review Committee (pages 34-120)
9. Old Business
10. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (page 121)
 - c. Greg Davidson Pending License (Handout A)
11. Executive Director's Report
12. Other Business
13. Adjournment



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES
April 16, 2008
10:00 a.m.

APPROVED

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Ms. Brenda Abbey
Ms. Kathy Edwards-Johnson
Ms. Carole Elliott

Mr. Kevin Gillette
Mr. David Hagey
Mr. Mark Raukar
Mr. Jerome Ruggirello

MEMBERS ABSENT

Ms. Betty Blackburne – Excused
Ms. Mary Fowlie – Excused

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH PERSONNEL ATTENDING

Mr. Mark Sisco, Deputy Director, Bureau of Construction Codes (BCC)
Mr. Larry Lehman, Chief, Building Division, BCC
Mr. Charles Curtis, Assistant Chief, Building Division, BCC
Mrs. Brenda Caron, Executive Secretary, Building Division, BCC
Mr. Kevin DeGroat, Regulation Specialist, Office of Local Government & Consumer Services (OLGCS), BCC
Mr. Bill DeTemple, Analyst, OLGCS, BCC
Mr. Irvin Poke, Chief, Plan Review Division, BCC
Mrs. LeeAnn Allaire, Departmental Analyst, Office of Management Services, BCC

OTHERS IN ATTENDANCE

Mr. Tim DeWitt, MMHA	Mr. Walter Elliott, Swan Creek MHP
Ms. Cyndie Drago, Holiday Estates Homeowners Assn.	Mr. Brian Galbraith, Augusta Woods LLC
Mr. Bill Elliott, South Lansing Homeowners Assn.	Mr. Julian Levant, Chelsea Meadows MHC
Mr. Charles Gerlach, Atty. for Chelsea Meadows MHC	Mr. Lyn Wellhausen, Rudgate Communities
Mr. Ken Peterson, South Lansing Homeowners Assn.	

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A-2

13

Signatures

Drafted by: Brenda S. Caron Date: April 25, 2008
Brenda S. Caron, Secretary
Building Division

Approved by the Manufactured Housing Commission on: June 11, 2008

W. Blank
Ronald A. Blank, Chairperson
Manufactured Housing Commission

**MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES**
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

ALLENDALE TOWNSHIP
Ottawa County

Ms. Tami Arsenault
Allendale Charter Township
6676 Lake Michigan Drive
P.O. Box 539
Allendale, MI 49401

**ORDER OF THE MANUFACTURED HOUSING COMMISSION
INTENT TO DENY PROPOSED LOCAL ORDINANCE PURSUANT
TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Manufactured Housing Commission, (hereafter the Commission), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24 201 et seq.; MSA 3 560 (101) et seq.; Executive Order 1996-2; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125 2301 et seq.; MSA 19 855 (101) et seq. (hereafter the Act); and the rules promulgated under the Act (hereafter the Rules), hereby issues this Order of Intent to Deny Proposed Local Ordinance Pursuant to the Mobile Home Commission Act (hereafter the Order), pursuant to Rule 125 (1), R 125.1125 (1). This proposed local ordinance higher standard was submitted by Allendale Charter Township and received on May 14, 2008.

A-3

15

WHEREAS, the Commission reviewed the proposed local ordinance higher standard at its meeting on June 11, 2008.

WHEREAS, pursuant to Section 7 (1) of the Act, MCL 125 2307 (1), the Commission finds that the proposed local ordinance higher standard submitted by the local government is unreasonable, arbitrary, and not in the public interest.

IT IS FURTHER ORDERED that, pursuant to Rule 125 (2), R 125.1125 (2), the proposed local ordinance higher standard cited above as denied will be denied fifteen days from the date of the receipt of this Order. If a written request for hearing is filed with the Commission by the local government within fifteen days of receipt of this Order, then the matter shall be set down for hearing to commence without undue delay. If a written request for hearing is not filed with the Commission by the local government within fifteen days of receipt of this Order, then the proposed higher standard shall be automatically denied and this Order shall be a final order in the matter.

ANY COMMUNICATIONS regarding this Order should be addressed to the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government & Consumer Services, Attention: Kevin G. DeGroat, P.O. Box 30254, Lansing, Michigan 48909-8203.



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

June 11, 2008

**MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES**

2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

CITY OF HOLLAND
Ottawa County

Ms. Cindy Osman
City of Holland
270 River Avenue
Holland, MI 49423

**ORDER OF THE MANUFACTURED HOUSING COMMISSION
INTENT TO DENY PROPOSED LOCAL ORDINANCE PURSUANT
TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Manufactured Housing Commission, (hereafter the Commission), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560 (101) et seq; Executive Order 1996-2; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq; MSA 19.855 (101) et seq (hereafter the Act); and the rules promulgated under the Act (hereafter the Rules), hereby issues this Order of Intent to Deny Proposed Local Ordinance Pursuant to the Mobile Home Commission Act (hereafter the Order), pursuant to Rule 125 (1), R 125.1125 (1). This proposed local ordinance higher standard was submitted by the City of Holland and received on May 20, 2008

WHEREAS, the Commission reviewed the proposed local ordinance higher standard at its meeting on June 11, 2008.

WHEREAS, pursuant to Section 7 (1) of the Act, MCL 125.2307 (1), the Commission finds that the proposed local ordinance higher standard submitted by the local government is unreasonable, arbitrary, and not in the public interest.

IT IS FURTHER ORDERED that, pursuant to Rule 125 (2), R 125.1125 (2), the proposed local ordinance higher standard cited above as denied will be denied fifteen days from the date of the receipt of this Order. If a written request for hearing is filed with the Commission by the local government within fifteen days of receipt of this Order, then the matter shall be set down for hearing to commence without undue delay. If a written request for hearing is not filed with the Commission by the local government within fifteen days of receipt of this Order, then the proposed higher standard shall be automatically denied and this Order shall be a final order in the matter.

ANY COMMUNICATIONS regarding this Order should be addressed to the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government & Consumer Services, Attention: Kevin G. DeGroat, P O Box 30254, Lansing, Michigan 48909-8203



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

June 11, 2008

PENDING LICENSE APPROVALS
JUNE 11, 2008 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
Linnie F. Peterson Linnie's Home Repair Service 1010 Eastern Avenue, SE Grand Rapids, MI 49507	Nineco Inc Affordable Homes of Clinton 46281 Pat Street Chesterfield Township, MI 48051 Joseph N. Tocco, Operator
	YES Homesales, LLC 1410 South 9 th Street Oshtemo Township, MI 49009 Christine Rodli Stopps, Operator
	Leisure Home Sales, LLC 4895 W. US 10 Ludington, MI 49431 William Anderson, Operator
	KJK Homes, LLC 238 Hoover Boulevard, Suite 20 Holland, MI 49423 Kevin Kammeraad, Operator
	Luxe Investments LLC Sweet Lake Camping Resort 31004 E. US 12 Sturgis, MI 49091 Zachary Yaksich, Operator
	DuBois Construction LLC 3652 N. Spider Lake Road Traverse City, MI 49686 Michael DuBois, Operator
	Richland Mobil Home Park 9604 M-89 Richland, MI 48083 Kenneth Adkins, Operator

ADDITIONAL PENDING LICENSE APPROVALS
JUNE 11, 2008 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
Superior Manufacturing Home Service Inc. 7743 Tipperary Road Gladstone, MI 49837 Michael T. Bruntjens, Operator	DBC Company Inc. 46574 Erb Drive Macomb, MI 48042 Steven Evans, Operator
Jim Cartier Cartier's Mobile Home Service 8020 W. Irish Road Otisville, MI 48463	Vacation Properties Network Inc. Prudential Preferred Properties Network 203 Bridge Street Charlevoix, MI 49720 David S. Levy, Operator
	Meadowlands Gibraltar LLC 17305 Valencia Gibraltar, MI 48173 Scott R. Jacobson, Operator
	White Birch Home Sales LLC W-8095 Highway U.S. 2 Iron Mountain, MI 49801 Janice Meisel, Operator
	Timber Heights SDM, LLC 1168 North Oak Road Davison, MI 48423 Julius J Szabo, Operator
	Grand Blanc SDM, LLC 8225 Embury Road Grand Blanc, MI 48439 Julius J Szabo, Operator
	Holly Hills SDM, LLC 1681 Landcaster Road Holly, MI 48442 Julius J Szabo, Operator

Mobile Home Code Fund Revenue/Expenditure Report

FY 2008 - 3rd Quarter

Program Revenue

Licenses	\$ 12,698
Permits	\$ 235
Titles	\$ 558,910
Other:	
Publication & Copy Revenue	\$ 130
Land Sales-App. for Registration	\$ -
HUD Reimb. of Insp. Costs	\$ -
Mfid. Housing Commission Fines	\$ -
Common Cash Interest	\$ 17,771
RED-DCS 1%	\$ -
RED-Dept of State	\$ (60,678)
RED-AG	

Program Expenditures

Salaries	\$ 266,392
Ret, Longev & Ins.	\$ 142,774
CSS&M & Equipment	\$ 47,990
Travel	\$ 1,138
Sub-Total Direct Expenditures	\$ 458,294
Indirect Dept. Expenditures:	
Info Technology Services	\$ -
Rent	\$ 9,561
Property Management	\$ 2,454
Executive Director Programs	\$ 3,335
Administrative Services	\$ 96

TOTAL REVENUE \$ 529,066

TOTAL EXPENDITURES \$ 473,741

3rd Quarter Difference = \$55,326

FY 2008 Year-To-Date Totals

Program Revenue

Licenses	\$ 56,102
Permits	\$ 1,819
Titles	\$ 1,655,426
Other:	
Publication & Copy Revenue	\$ 439
Land Sales-App. for Registration	\$ -
HUD Reimb. of Insp. Costs	\$ -
Mfid. Housing Commission Fines	\$ 4,500
Common Cash Interest	\$ 37,747
RED-DCS 1%	\$ (13,504)
RED-Dept of State	\$ (127,270)
RED-AG	\$ -

Program Expenditures

Salaries	\$ 671,306
Ret., Longev & Ins	\$ 386,563
CSS&M & Equipment	\$ 99,995
Travel	\$ 3,218
Sub-Total Direct Expenditures	\$ 1,161,082
Indirect Dept. Expenditures:	
Info Technology Services	\$ -
Rent	\$ 26,491
Property Management	\$ 7,361
Executive Director Programs	\$ 7,119
Administrative Services	\$ 144

TOTAL REVENUE \$ 1,615,259

TOTAL EXPENDITURES \$ 1,202,198

FUND BALANCE (End of FY08 3rd Qtr.) = \$2,042,744

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES**

In the Matter of:

BCC Complaint No. AIR 07-0937

Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

(Community Address)

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Home Community
2232 S. Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

Manufactured Housing Community License No. P000111

(Respondents)

_____ /

Issued and entered

this 23rd day of July, 2008

by Scott Fisher, Director

Office of Local Government and Consumer Services

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER TO CEASE AND DESIST, AND
RECOMMENDATION TO IMPOSE PENALTIES
PURSUANT TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq.; MSA 3.560 (101) et seq.; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq.; MSA 19.855 (101) et seq. (hereafter the Act), and the Rules promulgated under

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE HOME COMMUNITY
FINDINGS OF FACT

the Act (hereafter the Rules), issued an Order To Show Cause Why An Order Revoking Manufactured Home Community License; Imposing a Civil Fine; And To Cease And Desist Should Not Be Issued Pursuant To The Mobile Home Commission Act (hereafter the Order to Show Cause) on November 1, 2007. A copy of the Order to Show Cause and attachments is appended hereto (*Exhibit A*) and is incorporated herein by reference; and

WHEREAS, the Order to Show Cause was sent by certified mail to the Respondents on or about November 2, 2007, at the addresses listed on page 8 of that Order. The Respondents faxed to the Bureau a November 12, 2007, letter acknowledging receipt of the Order to Show Cause and requested a hearing and a variance regarding the two spacing violations cited therein. The Bureau, on November 2, 2007, also served a copy of the Order to Show Cause upon the Respondents by serving the Manufactured Housing Commission with a copy of the Order to Show Cause, pursuant to Section 35 of the Mobile Home Commission Act; and

WHEREAS, the Manufactured Housing Commission considered and denied Respondents' variance request, as discussed in its enclosed Variance Order on February 13, 2008. (*Exhibit B*)

WHEREAS, Michigan Administrative Law Judge James L. Karpen considered Respondents' hearing request on March 25, 2008, and recommended in his April 9, 2008, Proposal for Decision (*Exhibit C*) that the Commission order Respondents to cease and desist violating the Act and Rule cited in the Order and assess Respondents a conditional civil penalty

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE HOME COMMUNITY
FINDINGS OF FACT

that would increase and be accompanied by license revocation if Respondents failed to correct the cited violations within 60 days of the Commission's issuance of a Final Order in this matter.

WHEREAS, although Respondents subsequently provided the Bureau on April 22, 2008, by electronic mail digital photographs indicating correction of the two spacing violations cited in the Order to Show Cause, more than 15 days have elapsed since the date of receipt of the Order to Show Cause. Respondents have failed to establish full compliance with the Order to Show Cause by not also remitting the Bureau's recommended administrative fee set forth on page six of the Order.

WHEREAS, the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public, and consistent with purposes fairly intended by the policy and provisions of the Act; and, therefore, pursuant to Section 39 (1) of the Act, the Bureau makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Pleasant Lake Mobile Home Community (Respondents) is a Limited Partnership organized and existing under the laws of the State of Michigan. Respondents' mailing address is 2232 S. Main #463, Ann Arbor, Michigan 48103. Peter Kostishak is the Resident Agent for Pleasant Lake Mobile Home Community

2. Respondents are engaged in the business of owning and operating a manufactured housing community located at 11711 Bunkerhill Road, Pleasant Lake, Michigan 49272 and hold

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE HOME COMMUNITY
FINDINGS OF FACT

manufactured housing community license P000111 for the 2006-2009 licensing years. Peter Kostishak is the Operator for Pleasant Lake Mobile Home Community.

3. A further history of this case from April 17, 2007 through October 24, 2007, is outlined in Items 3 through 6 (pp. 2-3) of the attached Order to Show Cause. Section 38 (1) (b) of the Act authorizes the Department to issue an Order to Show Cause why an order imposing sanctions or penalties allowed under this Act should not be issued by the Manufactured Housing Commission if a condition lawfully imposed under this Act was violated.

4. Based on the inspection of the Respondents' community completed on April 17, 2007, and the Bureau's failure to receive from Respondents until April 22, 2008, timely documentation of its correction of all spacing violations cited in the corresponding inspection report and the Bureau's August 21, 2007, Order to Answer a Request for Information; September 26, 2007, Statement Of Intent To Commence Proceedings And Notice Of Opportunity To Show Why Such Proceedings Should Not Be Commenced Pursuant To The Mobile Home Commission Act; **and** the civil penalties outlined in the aforementioned Order to Show Cause and Proposal for Decision, the Respondents have failed to conduct its business in compliance with the Act, Rules, or an Order issued pursuant to the Act.

CONCLUSIONS OF LAW

5 Respondents' failure to comply with a rule, order, or condition lawfully imposed under the Act (being the payment of a \$1,000.00 administrative fee for failure to timely correct

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE HOME COMMUNITY
FINDINGS OF FACT

the Manufactured Housing Commission Rule violations cited in the inspection report and the Statement of Intent) is a violation of Section 38 (1) (b) of the Act.

IT IS HEREBY FOUND that Respondents engaged in acts or practices constituting violations of the Act, Rules or an Order issued under the Act.

IT IS HEREBY ORDERED that this Order and the Proposal for Decision shall be forwarded to the Manufactured Housing Commission for the consideration of the imposition of any Penalty as may be provided in Section 43 (1) of the Act and issuance of a Final Order in accordance with Section 85 of the Administrative Procedures Act of 1969.

IT IS HEREBY RECOMMENDED that the Manufactured Housing Commission impose the following penalties, pursuant to the Proposal for Decision:

1. Within **thirty (30)** days from the date of the Final Order, Respondents shall complete the following action:
 - a. Remit to the Bureau an administrative fee in the amount of Two Thousand Dollars (\$2,000 00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30255, Lansing, Michigan 48909.
2. Respondents' failure to comply with Item 1 above shall result in imposition of the following additional penalties within **60 days** from the date of the Final Order:
 - a. Revocation of Respondents' Manufactured Housing Community License Number P000111.
 - b. Revocation of Respondents' Manufactured Housing Community License Number P000111 shall automatically require Respondents and any manufactured housing licensee of the Bureau to not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE HOME COMMUNITY
FINDINGS OF FACT

time of suspension or revocation, under Rule R125 1214b, as stated in the first paragraph on page seven of the November 1, 2007, Order to Show Cause.

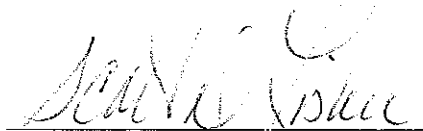
- c. Revocation of Respondents' Manufactured Housing Community License Number P000111 should automatically result in a request by the Manufactured Housing Commission that a receiver be appointed.
- d. Respondents shall make full restitution to all existing Pleasant Lake Mobile Home Community residents of One Hundred Percent (100%) of the lot rent that each resident has paid to the Respondents after Respondents' Manufactured Housing Community License has been revoked until such time that a Receiver has been appointed.

IT IS FURTHER ORDERED, pursuant to Section 38 (2) of the Act, because Respondent has engaged in acts or practices constituting violations of the Act and Rules or an Order issued thereunder, that Respondent CEASE AND DESIST from any act or practice constituting a violation of the Act or Rules or an Order issued pursuant to the Act

ANY COMMUNICATION regarding this Order should be addressed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, Attention: Scott D. Fisher, Director, P.O. Box 30254, Lansing, Michigan 48909

MICHIGAN DEPARTMENT OF
LABOR & ECONOMIC GROWTH

By:



Scott D. Fisher, Director
Office of Local Government & Consumer Services
P.O. Box 30254
Lansing, Michigan 48909

Dated: 07/23/08
Lansing, Michigan

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE HOME COMMUNITY
FINDINGS OF FACT

A Copy of this Order was sent by Certified and First Class Mail to:

Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

(Community Address)

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Home Community
2232 S Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

A Copy of this Order was sent by Interdepartmental Mail to:

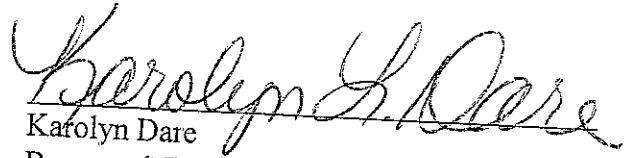
Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P O. Box 30254
Lansing, Michigan 48909

Beth Aben, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the **Order To Show Cause Why An Order Revoking Manufactured Housing Community License; Imposing A Civil Fine; Requiring Restitution; And To Cease And Desist Should Not Be Issued Pursuant To The Mobile Home Commission Act** was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by mailing same to them via certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 2nd day of November, 2007.


Carolyn Dare
Bureau of Construction Codes

Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

(Community Address)

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
2232 S. Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Mark Sisco, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government and Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

BCC Complaint No. AIR 07-0937

(Community Address)

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
2232 S Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

Manufactured Housing Community License No. P000111

(Respondents)

_____ /

Issued and entered
this 14 day of November, 2007
by Scott Fisher, Director
Office of Local Government and Consumer Services

**ORDER TO SHOW CAUSE WHY AN ORDER REVOKING MANUFACTURED
HOUSING COMMUNITY LICENSE; IMPOSING A CIVIL FINE; AND TO CEASE
AND DESIST SHOULD NOT BE ISSUED
PURSUANT TO THE MOBILE HOME COMMISSION ACT**

The Michigan Department of Labor and Economic Growth (hereafter the Department),
Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures
Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560 (101) et seq, the
Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq; MSA 19.855

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

(101) et seq (hereafter the Act), and the rules promulgated under the Act (hereafter the Rules),
says:

FACTS COMMON TO ALL COUNTS

1. Pleasant Lake Mobile Associates, LTD, d/b/a Pleasant Lake Mobile Home Community (Respondents) is a Limited Partnership organized and existing under the laws of the State of Michigan. Respondents' mailing address is 2232 S. Main #463, Ann Arbor, Michigan 48103. Peter Kostishak is the Resident Agent for Pleasant Lake Associates, LTD, d/b/a Pleasant Lake Mobile Home Community

2. Respondents are engaged in the business of owning and operating a manufactured housing community located at 11711 Bunkerhill Road, Pleasant Lake, Michigan 49272 and hold manufactured housing community license P000111 for the 2006-2009 licensing years. Peter Kostishak is the Operator for Pleasant Lake Associates, LTD, d/b/a Pleasant Lake Mobile Home Community.

3. On April 17, 2007, a state inspector from the Bureau of Construction Codes completed an inspection of Respondents' manufactured housing community. The purpose of the inspection was to determine compliance with the Act and the Rules, pursuant to which Respondents shall comply with to be certified for licensing and operate as a community.

4. On June 11 and July 16, 2007, Bill DeTemple, Analyst, Office of Local Government and Consumer Services, sent correspondence to the Respondents establishing 30-

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

day and 5-day response deadlines, respectively, for providing the Bureau evidence that it had corrected all violations indicated in the Bureau's April 17, 2007, inspection report, which was enclosed with the June 11 request. After receiving incomplete compliance with these letters, the Bureau sent to Respondents on August 21, 2007, an Order to Answer a Request for Information requesting, within 10 business days of receipt, documentation of full compliance requested in the aforementioned report and letters, which were again attached as enclosures. However, the Bureau has, to date, received from Respondents only partial compliance with this Order to Answer. Specifically, Respondents have yet to correct or secure Manufactured Housing Commission variances for Rule R125.1947a (4) spacing violations between lots 12 and 13 and 16 and 17.

5. After failing to obtain Respondents' full compliance, the Bureau issued a Statement Of Intent To Commence Proceedings And Notice Of Opportunity To Show Why Such Proceedings Should Not Be Commenced Pursuant To The Mobile Home Commission Act (hereafter the Statement of Intent). The Bureau issued and sent this Statement of Intent to the Respondents by certified mail on September 26, 2007. A copy of the Statement of Intent was also delivered to the Bureau's Building Division and licensing agent.

6. Respondents failed to attend the scheduled compliance conference proposed in the Statement of Intent to commence at the Bureau's offices on October 24, 2007, at 1:30 p.m., provide evidence of compliance, or provide a required written response within 15 days of receiving the Statement of Intent.

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

Accordingly, the Respondents are in violation of the following:

COUNT I

**FAILURE TO CORRECT THE RULE VIOLATIONS NOTED IN
THE MANUFACTURED HOME COMMUNITY
ANNUAL INSPECTION REPORT**

7. As a condition of licensing pursuant to Executive Order No. 2006-16 and Sections 16 (3) and 17 (1) of the Act, the Department of Labor and Economic Growth is required to conduct annual physical inspections of mobile home parks and seasonal mobile home parks and grant certificates of compliance for the purpose of licensing.

8. On April 17, 2007, the Bureau of Construction Codes, Building Division, issued a Manufactured Home Community Annual Inspection Report regarding violations disclosed during the annual inspection of Respondents' residential community.

9. Respondents do not have filed with the Bureau verification that all of the rule violations noted in the Manufactured Home Community Annual Inspection Report, dated April 17, 2007, have been corrected.

10. Respondents' failure to correct all rule violations noted in the Manufactured Home Community Annual Inspection Report is a violation of Section 38 (1) (b) of the Act.

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

COUNT II

**FAILURE TO MAINTAIN REQUIRED OBSTRUCTION
FREE SIDE YARD SPACING BETWEEN THE HOMES**

11. Pleasant Lake Mobile Home Community is a manufactured home community that was issued a permit to construct before February 28, 1979. Communities issued a permit to construct prior to February 28, 1979, must maintain a minimum 4-foot wide ground level pathway which is obstruction-free to 7 feet in height and which runs the length of the side yard with access to the road.

12. Respondents have failed to maintain the required 4-foot obstruction-free side yard ground level pathway between the homes on lots 12, 13, 16 and 17.

13. Respondents' failure to maintain required obstruction free side yard spacing between the homes is a violation of Rule 947a (4) and Section 38(1) (b) of the Act.

IT IS THEREFORE ORDERED, pursuant to Sections 38 (1) (b) and 38 (2) of the Act, because of the aforementioned violations of the Act and Rules and because the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public, and consistent with the purposes and provisions of the Act, that the above-named Respondents SHOW CAUSE WHY AN ORDER REVOKING MANUFACTURED HOUSING COMMUNITY LICENSE; IMPOSING A CIVIL FINE; AND TO CEASE AND DESIST SHOULD NOT BE ISSUED.

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD, D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

This Order to Show Cause offers Respondents the final opportunity to resolve outstanding Counts I and II of this Order to Show Cause by providing evidence to the Bureau documenting full compliance with the following requirements within 15 days of receipt of this Order to Show Cause:

- a. **Return to the Bureau all requested documentation described in the attached September 24, 2007, Statement of Intent (*Exhibit I*).**
- b. **Remit to the Bureau an administrative fee in the amount of One Thousand Dollars (\$1000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30255, Lansing, Michigan 48909.**

BE ADVISED that all interested parties are afforded an opportunity for a hearing. If a written request for a hearing is received by the Bureau within fifteen (15) days from the date of your written receipt of this Order to Show Cause, then the matter shall be set down for a hearing to commence within forty-five (45) days after your receipt of this Order to Show Cause, unless you and the Bureau consent to a later date.

BE ADVISED THAT ANY REQUEST FOR A HEARING should be addressed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, Attention: Scott D. Fisher, Director, P.O. Box 30254, Lansing, Michigan 48909. After a hearing, an Order may be entered and sanctions imposed by the Manufactured Housing Commission as provided by Section 43 of the Act.

BE ADVISED that it is important you understand that any statements which you present in a written response to this Order to Show Cause may be used against you at a formal

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

proceeding arising from this matter. It is important that you understand that you have the right, at your own expense, to have an attorney assist you in preparing a written response, or assist you at any appellate proceeding regarding the Manufactured Housing Commission's determination on this matter.

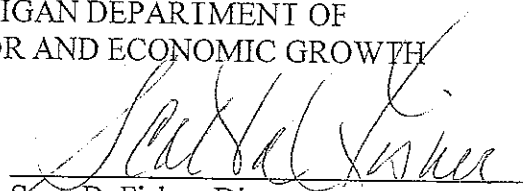
BE ADVISED that a Findings of Fact and Conclusions of Law, followed by a Final Order, shall be entered in this matter to any Respondent who does not comply with this Order to Show Cause within 15 days of receipt, pursuant to Section 39 (1) of the Act. The Manufactured Housing Commission may then impose sanctions as provided by Section 43 of the Act.

BE FINALLY ADVISED that a licensee shall not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation, under Rule 214b.

ANY COMMUNICATION regarding this Order to Show Cause should be addressed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, Attention: Scott D. Fisher, Director, P.O. Box 30254, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By:


Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P O. Box 30254
Lansing, Michigan 48909

Dated: 11/01/07
Lansing, Michigan

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
ORDER TO SHOW CAUSE

A Copy of this Order to Show Cause was sent by Certified and First Class Mail to:

Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

(Community Address)

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
2232 S. Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

A Copy of this Statement of Intent was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P O. Box 30254
Lansing, Michigan 48909

Mark Sisco, Deputy Director
Administration
Bureau of Construction Codes
P O. Box 30254
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government and Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Exhibit 1

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

BCC Complaint No. AIR 07-0937

(Community Address)

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
2232 S. Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

Manufactured Housing Community License No. P000111

(Respondents)

_____ /

Issued and entered
this 24th day of September, 2007
by Scott Fisher, Director
Office of Local Government and Consumer Services

STATEMENT OF INTENT TO COMMENCE PROCEEDINGS
AND NOTICE OF OPPORTUNITY TO
SHOW WHY SUCH PROCEEDINGS SHOULD NOT BE COMMENCED
PURSUANT TO THE MOBILE HOME COMMISSION ACT;
BY NOTICE OF INFORMAL COMPLIANCE CONFERENCE
SCHEDULED FOR WEDNESDAY, OCTOBER 24, 2007, AT 1:30 P.M.

TAKE NOTICE that the Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560(101) et seq, the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
STATEMENT OF INTENT

125.2301 et seq; MSA 19.855(101) et seq (hereafter the Act), and the rules promulgated under the Act (hereafter the Rules), intends to begin proceedings relating to possible violations of the Act and Rules which proceedings might result in the imposition of the penalties and remedies provided in the Act unless a satisfactory response to this Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Mobile Home Commission Act (hereafter the Statement of Intent) is received.

THE REASONS for this Statement of Intent are:

FACTS COMMON TO ALL COUNTS

1. Pleasant Lake Mobile Associates, LTD, d/b/a Pleasant Lake Mobile Home Community (Respondents), is a Limited Partnership organized and existing under the laws of the State of Michigan. Respondents' mailing address is 2232 S Main #463, Ann Arbor, Michigan 48103. Peter Kostishak is the Resident Agent for Pleasant Lake Associates, LTD, d/b/a Pleasant Lake Mobile Home Community.
2. Respondents are engaged in the business of owning and operating a manufactured housing community located at 11711 Bunkerhill Road, Pleasant Lake, Michigan 49272 and hold manufactured housing community license P000111 for the 2006-2009 licensing years. Peter Kostishak is the Operator for Pleasant Lake Associates, LTD, d/b/a Pleasant Lake Mobile Home Community.

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
STATEMENT OF INTENT

3. On March 29, 2007, a state inspector from the Bureau of Construction Codes completed an inspection of Respondents' manufactured housing community. The purpose of the inspection was to determine compliance with the Act and the Rules, pursuant to which Respondents shall comply with to be certified for licensing and operate as a community. Respondents are in violation of the following:

COUNT I

**FAILURE TO CORRECT RULE VIOLATIONS NOTED IN
THE MANUFACTURED HOME COMMUNITY
ANNUAL INSPECTION REPORT**

4. As a condition of licensing pursuant to Executive Order No. 2006-16 and Sections 16(3) and 17 (1) of the Act, the Department of Labor and Economic Growth is required to conduct annual physical inspections of mobile home parks and seasonal mobile home parks and grant certificates of compliance for the purpose of licensing.

5. On April 17, 2007, the Bureau of Construction Codes, Building Division, issued a Manufactured Home Community Annual Inspection Report regarding violations disclosed during the annual inspection of Respondents' residential community.

6. Respondents do not have filed with the Bureau verification that some of the rule violations noted in the Manufactured Home Community Annual Inspection Report, dated April 17, 2007, which is attached as **Exhibit A**, have been corrected.

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
STATEMENT OF INTENT

7. Respondents' failure to correct rule violations noted in the Manufactured Home Community Annual Inspection Report is a violation of Section 38(1) (b) of the Act.

COUNT II

FAILURE TO MAINTAIN REQUIRED OBSTRUCTION FREE SIDE YARD SPACING BETWEEN THE HOMES

8. Pleasant Lake Mobile Home Community is a manufactured home community that was issued a permit to construct before February 28, 1979. Communities issued a permit to construct prior to February 28, 1979, must maintain a minimum 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.

9. Respondents have failed to maintain the required 4-foot obstruction free side yard ground level pathway between the homes on lots 12, 13, 16 and 17.

10. Respondents' failure to maintain required obstruction free side yard spacing between the homes is a violation of Rule 947a (4) and Section 38(1)(b) of the Act.

THE CONDUCT alleged in Count I and Count II may constitute grounds either for the imposition of penalties and remedies provided in the Act, including suspension, revocation, or limitation on your manufactured housing community license; censure; probation; imposition of a civil fine; restitution; and/or an Order to Cease and Desist, pursuant to the Act.

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
STATEMENT OF INTENT

BE ADVISED that the Bureau must provide you with an opportunity to show compliance with all lawful requirements before commencing formal proceedings which might lead to penalties provided in the Act. This is your Statement of Intent of the right to that opportunity.

BE ADVISED that you may show compliance in writing, provided that your written statement is submitted to the Bureau within 15 days of your receipt of this Statement of Intent. Alternatively, you may appear at an informal conference with the Bureau's authorized representative that is scheduled for **Wednesday, October 24, 2007, at 1:30 p.m.**, at the Bureau's offices at 2501 Woodlake Circle, Okemos, Michigan. If you decide to appear at the informal conference, you must notify the Bureau, in writing, within 15 days of your receipt of this Statement of Intent. Pursuant to Section 37 (2) of the Act, the Bureau may accept from Respondents at this conference a written assurance that the violations alleged in the preceding Counts will be discontinued, the conditions of which may include payment of an administrative fee.

BE ADVISED that it is important that you understand that any statements which you present either in a written response or at any informal conference may be used against you at a formal hearing, if one is held. It is also important that you understand that you have the right, at your own expense, to have an attorney assist you in preparing a written response or assist you at an informal conference.

BE FURTHER ADVISED that if the Bureau's representatives decide that you have not made a sufficient showing of compliance, or if you do not respond to this Statement of Intent, the

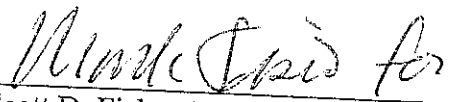
PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD, D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
STATEMENT OF INTENT

Bureau's representatives will institute formal administrative proceedings regarding the Counts set forth in this Statement of Intent.

ANY COMMUNICATION regarding this Statement of Intent should be addressed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, Attention: Bill DeTemple, P O. Box 30254, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By:



Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Dated: 9-24-07
Lansing, Michigan

A Copy of this Statement of Intent was sent by Certified and First Class Mail to:

Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, Michigan 49272

(Community Address)

PETER KOSTISHAK, MANAGER AND OPERATOR
PLEASANT LAKE MOBILE ASSOCIATES, LTD., D/B/A
PLEASANT LAKE MOBILE HOME COMMUNITY
STATEMENT OF INTENT

Peter Kostishak, Resident Agent and Operator
Pleasant Lake Mobile Associates LTD, d/b/a
Pleasant Lake Mobile Home Community
2232 S. Main #463
Ann Arbor, Michigan 48103-6938

(Community Mailing Address)

A Copy of this Statement of Intent was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Mark Sisco, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government and Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
Building Division
P O. Box 30254, Lansing, MI 48909
517-241-9317
Authority: 1987 PA 96

Exhibit A

NAME OF MANUFACTURED HOME COMMUNITY PLEASANT LAKE MOBILE HOME COMMUNITY	COUNTY Jackson	LICENSED SITES 58	COMMUNITY LICENSE NO P000111
COMMUNITY ADDRESS 11711 BUNKERHILL ROAD	CITY PLEASANT LAKE	ZIP CODE 49272	
NAME OF COMMUNITY REPRESENTATIVE PETER KOSTISHAK	REPRESENTATIVE'S TELEPHONE NUMBER (Include Area Code) 734/663-2479		DATE OF INSPECTION 4-17-07

Place a check mark in the appropriate box. Checking "YES" indicates compliance with the rules.

		COMPLIES	
		YES	NO
1. Rule 701(1)	Speed limit signs (maximum 15 mph) are posted on internal roads.		
2. Rule 701(2)	There are regulation stop signs at intersections of community egress roads and public roads.	X	
3. Rule 701(3)	Internal roads are identified by street signs at all intersections.	X	
4. Rule 701(4)	There are "Children Playing" signs located on all internal roads adjacent to recreational and playground areas.	X	
5. Rule 705(1)	Playground, recreational and athletic areas are free of safety hazards.	X	
6. Rule 708(1)	All parts of community owned buildings, structures and electrical systems (excluding pedestals) are in good repair.	NA	
7. Rule 709	Community roads, walkways and driveways are maintained in a sound condition.	X	
8. Rule 710(1)	Disconnected fuel lines on vacant sites are locked off or plugged to prevent leakage.	X	
9. Rule 710(2)	Disconnected electrical service lines on vacant sites removed from sites and site circuit breaker master switches are off or master fuses removed	X	
10. Rule 710(2)	Circuit breaker or fuse box protective covers on vacant sites are secured.	X	
11. Rule 947a(4)	There are 4 foot wide (not necessarily straight) pathways running the length of the side yards between homes from the back "lot line" to the internal road which are free of all obstacles to a minimum height of 7 feet. (For communities issued a permit to construct prior to February 28, 1979)	X	
12. Rule 41, 47, 48 & 49	Drainage: Street drainage adequate. lot drainage adequate.		X
13. Rule 51 & 53	Garbage and Rubbish: Storage/disposal maintenance of area dumpster (suitable foundation)	X	
14. Rule 61 & 63	There is no evidence of an insect and rodent control problem	NA	
15. Rule 71, 72 & 73	General Operation, maintenance and safety: No health or safety hazards, animal control.	X	
		X	

Recommendation Regarding Certification of Compliance:

- ☐ Substantial Compliance
☒ Not in Substantial Compliance - Follow-up Inspection Recommended
☐ Not in Substantial Compliance and Denial of Certification is Recommended

Comments: (Use this space for additional details (such as locations) relating to violations listed above)

our buildings blocking between following units less than 4ft path
 Between lot 25-26, 27-28, 16-17, 28-29, 30-31, 12-13, 33-34, 35-36, 36-37,
 37-38

SIGNATURE OF COMMUNITY REPRESENTATIVE	TELEPHONE NUMBER (Include Area Code)	DATE
SIGNATURE OF INSPECTOR	TELEPHONE NUMBER (Include Area Code)	DATE
	269-651-5986	4-17-07

The Bureau of Construction Codes will follow-up any potential violations.

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or physical beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.

**MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES**

2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

PLEASANT LAKE MOBILE HOME COMMUNITY [P000111]
Jackson County

Mr Peter Kostishak
Pleasant Lake MHC
2232 South Main Street #463
Ann Arbor, MI 48103

**ORDER OF THE MANUFACTURED HOUSING COMMISSION
VARIANCE TO MANUFACTURED HOUSING DEVELOPMENT
CONSTRUCTION STANDARDS**

Pursuant to Section 18(5), 1987 PA 96, as amended, MCL 125.2318(5), your November 16, 2007, request for variances to R125.1947a, Rule 947a, is DENIED.

ANY COMMUNICATION regarding this Order should be addressed to the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government and Consumer Services, Attention: Kevin G. DeGroat, P.O. Box 30254, Lansing, Michigan 48909-8203.



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

February 13, 2008

EXHIBIT C

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Docket No. 2007-1470

Bureau of Construction Codes
Building Division,
Petitioner

Agency No. AIR 07-0937

v

Peter Kostishak,¹
Respondent

Agency: Bureau of Construction Codes

Case Type: Sanction
Cease & Desist

_____/

Issued and entered
this 9th day of April, 2008
by James L. Karpen
Administrative Law Judge

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

Appearances: Susan K. Balkema, Assistant Attorney General, appeared on behalf of the Petitioner, Bureau of Construction Codes, Building Division. Neither Respondent Peter Kostishak nor an attorney on Respondent's behalf appeared at the hearing.

This case stems from a November 1, 2007 Order To Show Cause Why An Order Revoking Manufactured Housing Community License; Imposing A Civil Fine; And To Cease And Desist Should Not Be Issued Pursuant To The Mobile Home Commission Act (Order). The Order discloses that Respondent holds a license to operate a mobile home park under the Mobile Home Commission Act (Act), 1987 PA 96, as amended, MCL 125.2301 *et seq.* The Order further discloses that Respondent is the operator of the park

¹ At the hearing Petitioner's counsel agreed that the reference to Pleasant Lake Mobile Home Associates, LTD should be deleted from the caption in this case since the mobile home park (Pleasant Lake Mobile Home Community) licensee is Peter Kostishak, who is also the operator of the mobile home park.

which is known as the Pleasant Lake Mobile Home Community. The Order alleges in Count I that Respondent failed to comply with a rule [2003 AC, R 125.1947a(4)] contrary to Section 38(1)(b) of the Act. Count II of the Order alleges that Respondent has failed to maintain a four foot obstruction free side yard between four of the mobile homes, contrary to Rule 125.1947a(4) and Section 38(1)(b) of the Act.

At the hearing, Petitioner's counsel requested that Petitioner be allowed to proceed in Respondent's absence pursuant to Section 72 of the Administrative Procedures Act of 1969 (APA), 1969 PA 306, as amended, MCL 24.201 *et seq.*, and that a default be granted on behalf of Petitioner pursuant to Section 78 of the APA.

Section 72 of the APA states in pertinent part:

If a party fails to appear in a contested case, after proper service of notice, the agency if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party.

Further, Section 78 of the APA states in pertinent part:

Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default or other method agreed upon by the parties.

Petitioner's motion for a default was granted. As a result of the default, the factual allegations in Petitioner's Order are deemed true. No exhibits were introduced at the hearing.

After one adjournment, the hearing was held as rescheduled on March 25, 2008.

ISSUES AND APPLICABLE LAW

The issue in this case is whether Respondent violated Section 38(1)(b) of the Act and Rule 125.1947a(4) as alleged in the Order. The section of the Act and the rule at

issue are as follows:

Sec. 38 (1) The department may issue an order to show cause why an order imposing sanctions or penalties allowed under this act should not be issued by the commission if the department finds that the order is in the public interest, and any of the following:

* * *

(b) A provision of this act, or a rule, order, or condition lawfully imposed under this act, was not complied with violated in connection with the offering by the person filing the document; the developer, dealer, or operator; a partner, officer, director, proprietor, or manager of the developer, dealer, or operator; or a person directly or indirectly controlling, or directly controlled by, the developer, dealer, or operator.

Rule 125.1947a

* * *

(4) In communities issued a permit to construct before February 28, 1979, enclosed structures attached to homes are considered obstructions in the 10-foot side yard space. All other structures or vegetation are not obstructions if there is a 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.

FINDINGS OF FACT

1. Respondent, Peter Kostishak is licensed under the Act to operate a mobile home park known as Pleasant Lake Mobile Home Community (Park) located at 11711 Bunkerhill Road, Pleasant Lake, Michigan.

2. On April 17, 2007 one of Petitioner's inspectors conducted an inspection of the Park to determine compliance with the Act and the rules promulgated under the Act.

3. The inspection found that Respondent had failed to maintain the required four foot obstruction free side yard ground level pathway between the homes on

lots 12, 13, 16, and 17.

4. Respondent was notified of the spacing violation by notice on June 11, 2007 and August 21, 2007.

5. Respondent was given an opportunity to show compliance by notice on September 26, 2007.

6. Respondent failed to attend the October 24, 2007 compliance conference.

7. On February 13, 2008 the Mobile Home Commission denied Respondent's request for a variance from the requirements of Rule 125.1947a(4).

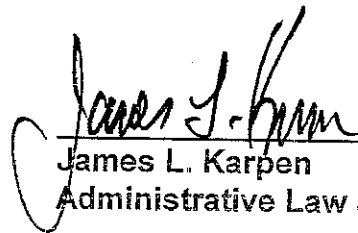
CONCLUSIONS OF LAW

It is uncontested that lots 12, 13, 16, and 17 in Respondent's mobile home park violate the four foot spacing requirement in Rule 125.1947a(4). Respondent's violation of the rule also constitutes a violation of Section 38(1)(b) of the Act. Thus, Respondent is in violation of Section 38(1)(b) of the Act and Rule 125.1947a(4) as alleged in Counts I and II of the Order.

Respondent has been repeatedly notified of this violation of the Act and the rule but has not corrected the violation. Under these circumstances, I recommend that Respondent be ordered to cease and desist from further violation of the Act and rules. I further recommend that a civil penalty in the amount of \$10,000 be imposed upon Respondent for his violation of the Act and rule, but that the civil penalty be reduced to \$2,000 if the Respondent corrects the spacing violation within 30 days of the issuance of a final order. Finally, I recommend that if the violation is not corrected and the civil fine not paid within 60 days of the final order, that Respondent's mobile home park license be revoked.

EXCEPTIONS

If a party chooses to file Exceptions to this Proposal for Decision, the Exceptions must be filed within 30 days after service of this Decision. All Exceptions must be filed with the State Office of Administrative Hearings and Rules, Ottawa State Office Building, 611 W. Ottawa Street, 2nd Floor, P.O. Box 30695, Lansing, Michigan.


James L. Karpen
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 9th day of April, 2008.



Genevieve Williams

State Office of Administrative Hearings and Rules

Bill DeTemple
Bureau of Construction Codes
Local Gov't & Consumer Services
6546 Mercantile Way
PO Box 30222
Lansing, MI 48911

Scott D Fisher
Bureau of Construction Codes
Office of Local Gov't & Con. Services
2501 Woodlake Circle
P.O Box 30254
Okemos, MI 48864

Joe Madziar
Bureau of Construction Codes
Building and Plumbing Divisions
2501 Woodlake Circle, P.O. Box 30254
Lansing, MI 48909

Susan K Balkema
Department of Attorney General
525 W. Ottawa
Williams Building, 2nd Floor
Lansing, MI 48933

Kevin DeGroat
Corporation & Land Development Bureau
6546 Mercantile Way
PO Box 30703
Lansing, MI 48909

Pleasant Lake Mobile Home Associates
Pleasant Lake Mobile Home Community
11711 Bunkerhill Road
Pleasant Lake, MI 49272

Mark Sisco
Bureau of Construction Codes
2501 Woodlake Circle
P.O. Box 30254
Okemos, MI 48864

Peter G Kostishak
West Michigan Mobile Associates
Limited Partnership
Country Acres Mobile Home Park
PMB#463 - 2232 S. Main Street
Ann Arbor, MI 48103



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

July 28, 2008

TO: Manufactured Housing Commission

FROM: Kevin DeGroat *K.S.*
Office of Local Government and Consumer Services

SUBJECT: REQUEST FOR VARIANCE
Village on the Lake, LLC (VOL), Oakland County

R125.1947a, Rule 947a Requires communities to be maintained to the standards effective when constructed; requires communities permitted to construct before 2/28/79 to maintain a four-foot wide ground-level, unobstructed seven-foot high pathway

R125.757(b)(2), Section 7(b)(2) of 1949 PA 52, as amended. Requires **3** feet of open space between the ends and side lot lines, and **10** feet between the sides of manufactured homes in communities built from 4/8/49 to 3/18/60.

R125.1053(b, c), Section 53(b, c) of 1959 PA 243, as amended. Requires **10** feet of unobstructed open space between the sides or sides and end of adjacent manufactured homes, and **3** feet between manufactured homes and the community boundary of communities built from 3/19/60 to 1/1/71.

Attached are a diagrammed distance reduction variance request and accompanying documentation and photos from Mr. Joseph S. Ajlouny, Jr., owner of VOL, a pre-Mobile Home Commission Act development built between 1954 and 1971, according to Bureau records. This community, licensed through 10/1/09, seeks a variance for 24 of 28 spacing violations outlined in the attached 2/11/08 state audit inspection report excerpt. VOL claims that report violations 1 (lots 2 & 3); 2 (lots 3 & 4); 12 (lot 29) and 15 (lots 33 & 34) are now compliant. As ***indicated in the photos and appended correspondence***, VOL wants the Commission to sanction the spacing violations indicated for the following lot addresses (in the order cited in the report) he has not already corrected:

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9347 • Fax (517) 241-9308
www.michigan.gov/dleg

<u>SITES</u>	<u>EXISTING DISTANCE</u>	<u>DISTANCE REQUIRED</u>
Section 3		
3. 6 & 7	42'' (-6'')	4 feet [48'' pathway]
4. 7 & 8	44'' (-4'')	
5. 10 & 11	<4'	
6. 13 & 14	<4'	
7. 22 & 23	<4'	
8. 23 & 24	<4'	
9. 24 & 25	<4'	
10. 25 & 26	<4' 16'' (-32'')	
11. 26 & 27	<4' 34'' (-14')	
13. 29 & 30	<4'	
14. 31 & 32	<4'	
16. 12 & bldg.	<4'	

<u>SITES</u>	<u>EXISTING DISTANCE</u>	<u>DISTANCE REQUIRED</u>
Section 4		
1. 20 & fence	25'' (-11'')	3 feet [36''] (home to boundary/fence)
2. 23	29'' (-7'')	
3. 24	29'' (-7'')	
4. 25	18'' (-18'')	
5. 26	16'' (-20'')	
6. 27	21'' (-15'')	
7. 28	12'' (-24'')	
8. 31	19'' (-17'')	
9. 32	28'' (-8'')	
10. 33	22'' (-14'')	
11. 34	1'' (-35'')	
12. 11 & 12 ends	12'' (-24'')	
13. 31 structure & 32 5' 4'' (-4' 8'')		10 feet (home-to-home spacing)

Memorandum to the Commission: Village on the Lake, LLC
July 28, 2008
Page Three

In his May 2008, letters, Mr. Ajlouny contends that when he purchased this development on 1/3/01, these homes were already on-site. He indicates that the homes in violation of the setbacks were sited at some point before then. These homes are 10 to over 30 years old. The applicant states that relocating these homes to achieve setback compliance in a community he anticipates closing before Fall of 2009 (because of sanitation and re-licensure issues) would be financially impractical for him; require cost and space-prohibitive infrastructure changes; and create economic hardships and disruption for current satisfied residents. In support of this last claim, VOL presents a tenant's attached 5/5/08 letter (Steen), in addition to the attached 5/6/08 letter from a neighboring business.

Whether this filing demonstrates an exceptional practical difficulty to compliance and, therefore, supports the need for variances under the criteria of Rule 948, hinges upon whether the Commission believes that the Rule's intent regarding exceptional practical difficulty would include the applicant's having to re-situate these homes into compliance, despite their noncompliant status, possibly, age-weakened conditions, and the community's projected extinction. According to Mr. Ajlouny, the spacing problems were created under the watch of the previous owners and have been exacerbated by a lack of available space. He claims in paragraph four, page two of his 5/6/08 letter that the setback shortfalls create no fire safety access issues; however, no supporting fire, police or EMS department letter is offered.

If the Commission is convinced that the homes should remain where they are, there may be grounds for approving this request with the condition that VOL close by 10/1/09 and install no other homes or structures which violate minimum setbacks in this community.

Attachments

KGD/kgd

cc: Bill DeTemple, OLGCS
Irvin Poke, Plan Review, BCC
Beth Aben, Deputy Director, BCC

Village on the Lake, LLC

Property Address: 8300 Pontiac Lake Rd. White Lake Twp, MI 48386
Office & Mailing Address: 29205 Greening Blvd. Farmington Hills, MI 48334
(248)-932-0090 Fax (248)-932-8763 email- jsapub@aol.com

May 6, 2008

Mr. Kevin DeGroat
Office of Local Gov't & Consumers Services
Michigan Bureau of Construction Codes
2501 Woodlake Circle
Okemos, MI 48864

Re: Request for Variances
License P000219
BCC Complaint No. AC-08-0135

Dear Mr. DeGroat:

This letter is a request for variances to address rules violations cited in the February 11, 2008 audit/inspection report of Mr. Bill DeTemple, analyst in your office. I acknowledge receipt of your correspondence on March 31 and thank you for the helpful information you provided me therewith. Please be advised that I took over ownership and management of the community only on January 3, 2001. Our mobile home community license is effective until October 2009.

By way of background, Village on the Lake is a small lakefront community of 34 mobile homes and two community buildings, one of which is a stick-built residence and the other of which is an old pumphouse that was converted into a studio apartment 15 years ago. The park began as a lakeside holiday camper RV park but morphed into a mobile home community in the early 1960's. The park is served by a single one-way horseshoe-style road. It is a nice old park in generally very good condition.

The park is licensed through October 2009. It is anticipated that the park license cannot be renewed due to violation of the Oakland County Sanitary Code. Specifically, this is due to the fact that park's septic field is saturated and the cost of re-engineering it is prohibitive. (This is a fundamental problem which confronts all the property owners in the vicinity and not just the park in question.) Therefore, the life of this park is only about 16 months. Accordingly, the requests contained herein should be viewed in light of these facts.

Below I will present each category of variance request separately so it is perfectly clear and easier for the Manufactured Housing Commission to address. I have also provided you with six copies of a 11" x 17" survey/diagram of the park which embellishes the cited violations in yellow and blue for easier evaluation.

FAILURE TO MAINTAIN THE REQUIRED OBSTRUCTION FREE SIDE YARD SPACING BETWEEN THE HOMES IN VIOLATION OF RULES 947a (4) and SECTION 38(1) (b)

Each of the below violations were cited in the audit/inspection report referred to above in Item No. 3.

The report cited sixteen separate violations under this section. Violations 1, 2, 12, and 15 have been corrected. The following violations (being numbers 6, 7, 8, 9, 10, 11, 13, and 15 of the audit/inspection report) are for sheds that obstruct the rear of the side yards but in every instance there is no home behind or end to end to the obstructing shed. They are sheds in the side yards of units 13, 22, 23, 24, 25, 26, and 29. All are wooden sheds that whose loss would be a great inconvenience to the respective tenants. And the wooden shed on the aforementioned unit 22 is a storage building for the park because unit 22 is and will remain vacant. Indeed, the tenants want and need these sheds to store their personal property. Moreover, it would present a practical and financial hardship to remove them. Therefore, with respect to these sheds, it is respectfully requested that variances be issued as they are all in place and no tenant is objecting to their current placement.

The remainder of the sixteen violations that have not been corrected are numbers 3, 4, 5, 6, 14 and 16. Violation #3 and #4 are for decks and/or steps that protrude between (respectively) units 6 and 7 (belonging to unit 7) and units 7 and 8 (belonging to unit 8). In both of these instances, the violations are not significant and since both of these homes are sited upon the lake (at their rears) there is no fire safety access issue to be addressed. The space restriction between unit 6 and 7 is 42" (six inch deficiency) and between units 7 and 8 is 44" (four inch deficiency). There is clearly adequate distance to ingress/egress between these two sets of homes in the event that either of them should require emergency services. Moreover, both of these homes are just 14 x 55' in length and they are both of early 1970's vintage. Additionally, both of these homes are strictly lakeside cottages and neither has full-time residents. Number 6's owner lives in Florida and has not visited the home in more than two years and No. 7 lives in Waterford and only uses his home as a day cottage to moor his pontoon boat. Violation #5 cites a protrusion of a sewer pipe. But as noted above, this pipe was approved as part of a site customization variance issued in 1999 or 2000. It has

not changed since then. The table placed over the pipe was put there to prevent kids from trying to "jump" the pipe with their bikes. It has been removed and the pipe has been re-wrapped and secured. Violation #14 relates to unit 31 described above in the first section of this request. Please view the photo and you will see that this space between units 31 and 32 is narrow but clearly accessible. It is a nicely improved ingress/egress that only leads to the water hose outlet for which this tenant does all her gardening. No home is behind it because, as stated above, it abuts the property boundary line. And as stated above, the neighboring tenant (unit 32) has graciously authored a letter that accepts the situation as harmless to her. Finally, Violation #16 sites unit 12 for its proximity to a "community" building which is actually the garage to the stick-built home mentioned above. There is simply nothing that can be done about this spacing or the gas meter that is situated between the home and the garage. There is no room to move the home and the garage cannot be moved. Therefore, in all of the above instances, a variance is respectfully requested on the grounds of hardship and exceptional practical difficulty. It is important to reiterate that those violations that could be reasonably corrected were in fact corrected or partially corrected.

FAILURE TO MAINTAIN SPACING STANDARDS OF 10 and 3 FEET IN VIOLATION OF RULES 947a (3) AND 947a (4) and SECTION 38 (1)(b)

Each of the below violations were cited in the audit/inspection report referred to above in Item No. 4

Unit 31: This is a manufactured home that more than ten years prior to 2001 was renovated, expanded and crowned with a roof structure that, while well-done, is "over the top" in most circumstances but which works very well here. The overhang of the roof which is 9'9" from the ground, protrudes into the 10-foot space of the adjacent home (Unit 33) such that only 5'4" separates the two homes. The tenant in Unit 33 has no objection to this intrusion (see attached letter of homeowner Debra Steen of Unit 33). Moreover, since the height of the roof is significant, it does not in any way present an obstacle for fire safety or easy access. Additionally, as can be seen in the attached photograph) the pathway is open and clear and paved with patio bricks. Plus the rear of the home abuts the property boundary line meaning there are no mobile homes behind it for which access would be required in the event of a fire emergency. Thus, I respectfully request a variance for this unit for the reason that safety and welfare concerns are not a material issue here.

Units 20, 23, 24, 25, 26, 27, 28, 31, 32, 33, and 34 are all homes that are within 3 feet of the adjacent property boundary line in the rear of each of these homes. The range of the distances between these homes in between 1" (Unit 34) and 29" (Unit 24). All of these homes have been so situated since before my acquisition of

the community in January 2001. There is simply no space whatsoever to move them forward and if there was the cost would be prohibitive. Further, the owner of the adjacent property (the Pontiac Lake Motel) in the attached letter has clearly indicates that he has no objection to the close proximity these home are to his property. Therefore, I respectfully request a variance for theses units because no harm is done and no safety and welfare issues arise.

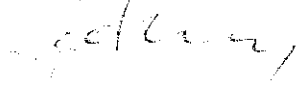
Unit 11 is 12'' to 18'' from the rear of unit 12, back to back. This Unit 11 was sited thus pursuant to a site customization variance obtained by the former owner in 1999 or 2000. I am not in possession of the documentation regarding it. Therefore, I respectfully request that this variance be affirmed.

In a good faith attempt to satisfy the requirement that dates of manufacture and installation I have prepared a supplemental document which provides that information to the best of my knowledge and belief. All homes were installed prior to my ownership of the park.

Additionally, regarding outside doors, hitches and four-way distance measurements between homes, I am relying upon the extensive physical examination undertaken by Mr. DeTemple and included in his inspection report. Spacing in our park is tight but it is not seriously deficient. Most importantly, the spacing violations do not present a serious fire safety or welfare concern. And please keep in mind that it is anticipated that the park will not survive beyond October 2009.

For the foregoing reasons, which are largely due to exceptional practical difficulty, I request that this variance request be approved in full.

Respectfully Submitted,



Joseph S. Ajlouny Jr.
Owner/Managing Member

Village on the Lake, LLC

Property Address: 8300 Pontiac Lake Rd. White Lake Twp, MI 48386
Office & Mailing Address: 29205 Greening Blvd. Farmington Hills, MI 48334
(248)-932-0090 Fax (248)-932-8763 email- jsapub@aol.com

May 29, 2008

To: Kevin DeGroat
Michigan Bureau of Construction Codes

Re: BCC Complaint No AC-08-0135

Dear Mr. DeGroat:

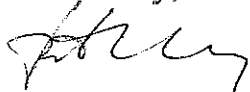
I am enclosing herewith two additional photographs that I mistakenly omitted in the package I sent you two weeks ago (which came back to me in the mail twice!) regarding my request for variances for failure to maintain required obstruction free side yard spacing between homes in violation of Rules 947a (4) and Section 38(1) (b).

These two photos show the side yards of homes in lots 7 and 8 and relate to statements I made in the third paragraph of the second page of my initial request. I have labeled them on the reverse of each. They relate to Violations # 3 and # 4 described in the second sentence of that paragraph.

I am not certain when you will bring this matter up for hearing before the commission. I realize that due to the mishaps in my mailing I did not make the May 11 deadline to have the matter heard at the June 11 meeting. Naturally, I am not in a hurry but I do want this matter addressed in due course.

Please let me know if you need anything further.

Sincerely,



Joseph S. Ajlouny Jr.
Owner/Managing Member

Village on the Lake, LLC

Property Address: 8300 Pontiac Lake Rd. White Lake Twp, MI 48386
Office & Mailing Address: 29205 Greening Blvd. Farmington Hills, MI 48334
(248)-932-0090 Fax (248)-932-8763 email- jsapub@aol.com

May 8, 2008

Mr. Kevin DeGroat
Office of Local Gov't & Consumers Services
Michigan Bureau of Construction Codes
2501 Woodlake Circle
Okemos, MI 48864

Re: Request for Variances
License P000219
BCC Complaint No. AC-08-0135

Dear Mr. DeGroat:

Regarding the requirement that **dates of manufacture and installation** be provided, please be advised that I do not have this information but I will estimate it to the best of my ability below:

Units 1-9 are all homes that were built prior to 1975. All were installed prior to January 2001. These nine homes run along the waterfront of Pontiac Lake and each of these homes has a boat dock on the rear end and abut the road in the front.

Units 10 & 11 are across the road from the units above. Unit 10 was built in 1970 and installed prior to January 2001. Unit 11 was built in 1997 and was installed in 1999 or 2000 pursuant to a site customization a variance.

Units 12-18 are all homes that were built prior to 1975. All were installed prior to January 2001. The rear of Unit 12 is between 12" and 19" from the rear of Unit 11. As stated above, this was installed thus pursuant to a site customization variance for Unit 11.

Units 19-33 are all homes that were built prior to 1975. All were installed prior to January 2001. Unit 22 is not occupied as a residence; it is utilized as a storage facility for the park.

Unit 34 was installed in approximately 1996 and was manufactured in 1994.

Village on the Lake is an equal opportunity housing provider

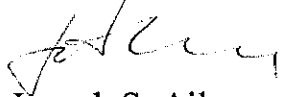
62

One last note of import. Village on the Lake is built along a single horseshoe-designed one-way road. Units 19-34 are on the east side of the road beginning at the Pontiac Lake Rd main entrance to the park. Units 12-18 are directly across the road from them. Units 1-9 are located on the west side of the property on the opposite side of the horseshoe and Units 10 and 11 are across the road from them.

The stick built house is in the center of the park immediately to the north of Units 11 and 12.

I have provided six copies of a 11" x 17" survey/diagram with embellished color markings to provide a clear visual representation of the park for ease of examination. Items in Violation No. 3 have been marked in yellow and items in Violation No. 4 have been marked in blue.

Respectfully Submitted,



Joseph S. Ajlouny Jr.
Owner/Managing Member

Village on the Lake, LLC

Property Address: 8300 Pontiac Lake Rd. White Lake Twp, MI 48386
Office & Mailing Address: 29205 Greening Blvd. Farmington Hills, MI 48334
(248)-932-0090 Fax (248)-932-8763 email- jsapub@aol.com

May 5, 2008

Mr. Kevin DeGroat
Office of Local Gov't & Consumers Services
Michigan Bureau of Construction Codes
2501 Woodlake Circle
Okemos, MI 48864

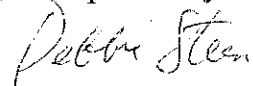
Re: Request for Variances
License P000219

Dear Mr. DeGroat:

I am the homeowner in unit 33 of Village on the Lake and I have been advised of the variance request for the spacing and side-yard obstructions between my home and unit no. 31. Please be advised that I have no objection to these rule violations as they are relatively insignificant and do not pose any material problem for me.

I may be called if there are any questions regarding this letter. My cell phone number is 248-978-7736.

Respectfully Submitted,



Debra Jean Steen
Owner No. 33

PONTIAC LAKE MOTEL

8230 Highland Rd., White Lake, Michigan 48386
248-360-4596

May 6, 2008

Kevin DeGroat
Dept of Labor and Economic Growth
Bureau of Consturction Codes
2501 Woodlake Circile
Okemos, MI 48864

Re: Request for Variances for Village on the Lake
Manufactured Housing License Number 000219
BCC Complaint No. AC-08-0135

Dear Mr. DeGroat:

I am the owner of Pontiac Lake Motel, the adjacent property to Village on the Lake and am authoring this letter in support of our next door neighbor Village on the Lake manufactured housing community.

It is my understanding that their exist certain spacing violations between the rear of the homes and/or sheds at Units 19-34 and my property boundary line. I wish to express that I have no objection to these violations as they present no practical or foreseeable consequence to me. There is a fence between our two properties that adequately separates the homes from the boundary line.

Please feel free to contact me if you have any questions or concerns.

Sincerely,



Jayendra Amin

Owner

Pontiac Lake Motel

— EXCERPT : BILLS AUDIT
REPORT

2. FAILURE TO POST THE STATEMENT FOR RESOLVING COMPLAINTS.

Respondents shall post, in a conspicuous place, the following statement for resolving complaints:

"Under the Mobile Home Commission Act you have the right to file a complaint that pertains to violations of that act or rules published under the Act. Before a complaint can be filed under the act or rules, you must notify the Manufactured Home Manufacturer, Community, Retailer, or Installer and Servicer in writing that a problem exists. If a reasonable response is not received within 10 business days of receipt of your complaint, you may file a complaint with the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government and Consumer Services, P.O. Box 30254, Lansing, Michigan 48909. Please note that only complaints about violations of the mobile home commission act or rules can be accepted by the Department. Examples of complaints may regard any of the following:

1. Purchase of manufactured homes, goods, or services and applicable warranties.
2. Lease or rental agreements.
3. Manufactured home communities.
4. Metering of utilities.
5. Manufactured home installation and service.

Complaints pertaining to manufactured home community rent cost do not fall under the authority of the act."

The statement for resolving complaints is not posted.

Respondents' failure to post the statement for resolving complaints is a violation of Rule 192 and Section 38(1) (b) of the Act.

3. FAILURE TO MAINTAIN THE REQUIRED OBSTRUCTION FREE SIDE YARD SPACING BETWEEN THE HOMES.

Village On The Lake, L.L.C. is a manufactured home community that was issued a permit to construct before February 28, 1979. Communities issued permits to construct prior to February 28, 1979, must maintain a minimum 4-foot wide ground level pathway which is obstruction free to 7-feet in height and which runs the length of the side yard with access to the road.

Respondents have failed to maintain the required 4-foot obstruction free side yard ground level pathway between the following homes:

- corrected*
1. The homes on lots 2 and 3 do not have the required 4-foot side yard pathway between the homes (fence).
 - corrected* 2. The homes on lots 3 and 4 do not have the required 4-foot side yard pathway between the homes (gas grill and garbage can).
 - uncorrected* 3. The homes on lots 6 and 7 do not have the required 4-foot side yard pathway between the homes (deck, steps and lattice).

- uncorrected - 4. The homes on lots 7 and 8 do not have the required 4-foot side yard pathway between the homes (deck and rubbish).
- uncorrected - 5. The homes on lots 10 and 11 do not have the required 4-foot side yard pathway between the homes (sewer pipe and table).
- uncorrected - 6. The homes on lots 13 and 14 do not have the required 4-foot side yard pathway between the homes (shed).
- VACANT - 7. The homes on lots 22 and 23 do not have the required 4-foot side yard pathway between the homes (shed).
- uncorrected - 8. The homes on lots 23 and 24 do not have the required 4-foot side yard pathway between the homes (shed).
- uncorrected - 9. The homes on lots 24 and 25 do not have the required 4-foot side yard pathway between the homes (deck and shed).
- uncorrected - 10. The homes on lots 25 and 26 do not have the required 4-foot side yard pathway between the homes (shed).
- uncorrected - 11. The homes on lots 26 and 27 do not have the required 4-foot side yard pathway between the homes (shed).
- corrected 12. The home on lot 29 does not have the required 4-foot side yard pathway between the home and the old pump house. (2 wheel trailer)
- uncorrected 13. The homes on lots 29 and 30 do not have the required 4-foot side yard pathway between the homes (shed).
- uncorrected 14. The homes on lots 31 and 32 do not have the required 4-foot side yard pathway between the homes (fence, raised flower bed, back steps, landscape edging along side walk and structure built over mobile home).
- corrected 15. The homes on lots 33 and 34 do not have the required 4-foot side yard pathway between the homes (shed).
- uncorrected 16. The home on lot 12 does not have the required 4-foot side yard pathway between the home and a community building (fence and gas pedestal).

Respondents' failure to maintain the required obstruction free side yard spacing between the homes is a violation of Rule 947a (4) and Section 38(1) (b) of the Act.

4. FAILURE TO MAINTAIN THE SPACING STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION.

Village On The Lake, L.L.C. is a manufactured home community that was constructed in accordance with previous acts or local ordinances, or both, in effect at the time of construction. There shall be at least ten (10) feet between manufactured homes and an enclosed structure attached to a home and the adjacent home. There shall be an open space of at least 3-feet between the ends of the mobile homes and a mobile home shall not be less than 3-feet from the boundary of the park.

The following manufactured home is in violation of the 10-foot spacing requirement:

The enclosed attached structure built over the home on lot 31 is 5' 4" from the home on lot 32.

The following manufactured homes are in violation of the 3-foot spacing requirement:

1. The home on lot 20 is 25" from the boundary fence for the community.
- no pix 2. The home on lot 23 is 29" from the boundary fence for the community.
3. The home on lot 24 is 29" from the boundary fence for the community.
4. The home on lot 25 is 18" from the boundary fence for the community.
- no pix 5. The home on lot 26 is 16" from the boundary fence for the community.
- no pix 6. The home on lot 27 is 21" from the boundary fence for the community.
- no pix 7. The home on lot 28 is 12" from the boundary fence for the community.
8. The home on lot 31 is 19" from the boundary fence for the community.
- no pix 9. The home on lot 32 is 28" from the boundary fence for the community.
- letter 10. The home on lot 33 is 22" from the boundary fence for the community.
11. The home on lot 34 is 1" from the boundary fence for the community.
12. The end of the home on lot 11 is 12" from the end of the home on lot 12.

Respondents' failure to maintain the spacing standards in effect at the time of construction is a violation of Rules 947a (3), 947a(4) and Section 38(1) (b) of the Act.

5. FAILURE TO PROVIDE PROSPECTIVE RESIDENTS WITH THE BUYER'S AND RESIDENT'S HANDBOOK.

A Manufactured Home Buyer's and Resident's Handbook shall be provided by communities to prospective residents at the time an application for residency is signed. The department shall furnish all communities with sufficient copies of the handbook.

Prospective residents are not provided with the Buyer's and Resident's Handbook at the time the application for residency is signed.

Respondents' failure to provide prospective residents with the Buyer's and Resident's Handbook is a violation of Rule 1005a and Section 38(1) (b) of the Act.

6. FAILURE TO OFFER A WRITTEN LEASE THAT CONFORMS TO THE TRUTH IN RENTING ACT.

A written lease shall be offered for each home site at the beginning of tenancy. The lease shall conform to the Truth in Renting Act, being 1978 PA 454, MCL 554.631 et seq., which requires a rental agreement to include in a prominent place in type not smaller than 12-point type, or in legible print with letters not smaller than 1/8 inch the following notice:

"NOTICE: Michigan law establishes rights and obligations for parties to rental agreements. This agreement is required to comply with the Truth in Renting Act. If you have a question about the interpretation or legality of a provision of this agreement, you may want to seek assistance from a lawyer or other qualified person."

The written lease offered at Village On The Lake does not contain this notice.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

**ORDINANCE REVIEW COMMITTEE
MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room 2
Okemos, Michigan 48864**

Minutes

July 16, 2008

10:00 a.m.

MEMBERS PRESENT

Kevin Gillette, Chairperson
Dave Hagey
Chuck Meehan
Chuck Patterson
Donald Westphal

MEMBERS ABSENT

Donald Lauderbaugh (with advance notice)
Alfred L. Maestri
Larry Wilson (with advance notice)

OFFICE OF LOCAL GOVERNMENT AND CONSUMER SERVICES

Kevin DeGroat, Regulatory Specialist

OTHER ATTENDEES

None

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P O BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9347 • Fax (517) 241-9308
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69

CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order at 10:05 a.m. by Mr. Westphal. Chairperson Gillette arrived at approximately 10:10 a.m.

MONROE TOWNSHIP (MONROE COUNTY)

The Committee recommended that the Commission approve, per staff's analysis and by vote, Articles 2, 5 and portions of Articles 6 and 8 of the provisions which apply to manufactured housing communities. It recommended denial of remaining sections of the proposal because referenced standards in Articles 3, 11 and 13, submitted as applicable in their entirety, were not related to a specific section of the mobile home code, as required by Section 7(1) of the Act.

ALLENDALE TOWNSHIP (OTTAWA COUNTY)

The Committee recommended that the Commission deny the re-submitted rental registration and inspection proposal, previously denied by the Commission on 6/11/08, because the standards therein were not related to a specific section of the mobile home code, as required by Section 7(1) of the Act.

CITY OF INKSTER (WAYNE COUNTY)

The Committee recommended that the Commission deny the rental registration and inspection proposal because the standards therein were not related to a specific section of the mobile home code, as required by Section 7(1) of the Act.

* * *

The Committee also considered BCC's Assistant Attorney General's advice to staff that the 60-day ordinance review deadline in Section 7(1) of the Act could be statutorily construed to commence on the date the Commission votes to approve receipt of a manufactured housing community ordinance proposal, rather than on the date Bureau staff receives the higher standard. Counsel discussed the last sentence of this section, "the ordinance shall relate to a specific section of the code" to underscore the point that proposed standards not covered by the Act, Rules or DEQ MHC Standards are considered "higher" and, consequently, warrant written justification and Commission approval. This includes community inspections, which under Section 17(2) of the Act, localities cannot conduct "without reason to believe that this *act, the code, or rules promulgated pursuant to this act** are violated."

Ordinance Review Committee
July 16, 2008
Page Three

The Committee concurred with staff's request that the Bureau's AG attend the 8/13 MHC meeting to answer any questions members may have in considering whether to follow the 60-day interpretation. The Committee recommends that the Commission consider its proposal that localities submit *complete* compilations of ordinance drafts to staff. Such submissions would be due at the Bureau's OLGCS no less than 10 days before the Commission's packet preparation deadline for the meeting date when consideration to accept is sought. The Committee proposes that the Commission would then vote whether to accept receipt of the ordinance for its review. Upon approval of a majority or a majority quorum, the 60-day ordinance review "countdown" referenced above could start.

(* the MHC Act, the MHC Rules and the MDEQ MHC Rules)

ADJOURNMENT

Chairperson Gillette adjourned the meeting at 11:22 a.m.

**MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES**
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

MONROE TOWNSHIP
Monroe County

Ms. Donna Krips
McKenna Associates, Inc.
235 East Main Street, Suite 105
Northville, Michigan 48067

DRAFT

**ORDER OF THE MANUFACTURED HOUSING COMMISSION
TO CONDITIONALLY APPROVE PROPOSED
LOCAL ORDINANCE PURSUANT TO
THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Manufactured Housing Commission (hereafter the Commission), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq.; MSA 3.560(101) et seq.; Executive Order 1996-2; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq.; MSA 19.855(101) et seq. (hereafter the Act); and the rules promulgated under the Act (hereafter the Rules), received a proposed local ordinance higher standard from Monroe Township on June 23, 2008; and

WHEREAS, the Commission reviewed the proposed local ordinance higher standard at its meeting on August 13, 2008; and

IT IS THEREFORE ORDERED that the proposed local ordinance higher standard submitted by the local government on June 17, 2008, be and hereby is APPROVED as amended: Articles 2, 5, and the second paragraph of Article 6, Section 6.106, pp. 1 and 2, are APPROVED. Article 8, Sections 8.136 (A) through (F), pp. 3 and 4, are APPROVED.

WHEREAS, pursuant to Section 7(1) of the Act, MCL 125.2307(1), the Commission finds the five unrevised sections of the proposed local ordinance higher standards submitted by the local government are unreasonable, arbitrary, or not in the public interest:

Section 6.106 (C), pp. 2 and 3, is DENIED because it is a higher standard that is not in the public interest, as written. The Commission declines to approve the broadly inclusive clause, “all applicable standards and requirements set forth in this Ordinance,” as referenced in the provision’s first sentence. The specific relevance of these “standards and requirements” [e.g., Subsection (C) (4)—**especially, and including Articles 3, 11 and 13**] to manufactured housing communities has neither been *precisely* justified, per Section 7 of the Act and Rule R125.1120, nor “related to a specific section of the [Mobile Home Commission Act or] Code,” as required by the last sentence of Section 7 (1) of the Act.

Sections 8.136 (G) through (W), pp. 4 through 7, are DENIED, as written. See the analysis of Section 6.106 (C) for explanation.

IT IS FURTHER ORDERED that, pursuant to R 125.1125(2), Rule 125(2), the sections of the proposed local ordinance higher standard cited above as denied will be denied fifteen days from the date of the receipt of this Order. If a written request for hearing is filed with the Commission by the local government within fifteen days of receipt of this Order, then

the matter shall be set down for hearing to commence without undue delay. If a written request for hearing is not filed with the Commission by the local government within fifteen days of receipt of this Order, then the proposed higher standard shall be automatically denied and this Order shall be a final order in the matter.

ANY COMMUNICATIONS regarding this Order should be addressed to the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government & Consumer Services, Attention: Kevin G DeGroat, P.O. Box 30254, Lansing, Michigan 48909-8203.

August 13, 2008

MANUFACTURED HOUSING COMMISSION
Ronald A Blank, Chairperson



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MEMORANDUM

DATE: July 23, 2008

TO: Manufactured Housing Commission *K.D.*

FROM: Kevin DeGroat, Office of Local Government and Consumer Services

SUBJECT: PROPOSED MANUFACTURED HOUSING ORDINANCE
ALLENDALE TOWNSHIP, OTTAWA COUNTY (received after the 5/16/08
ORC meeting)

Recommend reconsideration on 8/13/08 of the attached formal proposal, which includes a 12-page Rental Housing Registration Ordinance; a six-page Property Maintenance Code; and a 13-page descriptive "guideline" checklist itemizing home and property components inspectors evaluate when inspecting individual rental lots. The Township indicates in its earlier correspondence that the proposal will apply to tenant-occupied rental manufactured homes, whether inside or outside of a manufactured housing community. For your comparative review, I have also attached the Bureau's 3/28/08 technical bulletin on local ordinances regulating rental housing (home and site) inspection and registration in manufactured housing communities.

The Commission denied this proposal on June 11, 2008, concluding that it needs additional time to request that designated manufactured housing industry and consumer committees further evaluate these proposals and reach a consensus. **The Township asks the Commission, in its attached June 25, 2008, letter, to reconsider its denial.** See the Ordinance Review Committee's attached report for additional details.

Attachments

cc: Ms. Tami Aisenault, Allendale Township (w/o encl.)

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75

Allendale Charter Township

**DEPARTMENT
OF
PLANNING AND
COMMUNITY
DEVELOPMENT**

**CHIEF BUILDING
OFFICIAL AND
ZONING
ADMINISTRATOR -
PHILIP BRUMMEL**

**OFFICE MANAGER -
SHARON KLEINJANS**

**BUILDING
INSPECTOR -
JOHN WATSON**

**RENTAL HOUSING
INSPECTOR -
TAMI ARSENAULT**

**PLUMBING
INSPECTOR -
GARY RAAK**

**ELECTRICAL
INSPECTOR -
MIKE STILLE**

**MECHANICAL
INSPECTOR -
PHIL SHAFFER**

**PLANNING
COMMISSION**

BOARD OF APPEALS

**CONSTRUCTION
CODE BOARD OF
APPEALS**

June 25, 2008

Michigan Department of Labor and Economic Growth
Bureau of Construction Codes
Office of Local Government & Consumer Services
Attn: Kevin DeGroat
P.O. Box 30254
Lansing, MI 48909-8203

Dear Mr. DeGroat:

I have received your letter dated June 18, 2008 as of yesterday's date of June 24, 2008.

As per outlined instructions, I am choosing the alternative route of responding via letter, requesting the Commission to re-consider its June 11, 2008 vote in regards to recognizing Allendale Charter Township's Rental Housing Registration Ordinance and its accompanying Property Maintenance Code.

I hope that this additional time will be in everyone's best interest, as our Ordinances do serve to protect all of those citizens in the Township who rent dwelling units, whether they are physically located in a mobile home park, or they do not. Our Township office over the years has fielded complaints, especially regarding interiors of structures, from tenants who rent from park owners, and from private individuals who own the structures.

Please contact me regarding any questions you may have, or if any additional information is required of me to furnish.

Sincerely,

Tami Arsenault
Rental Housing Inspector
616-895-6295 ext 34
Fax: 616-895-6330
tarsenault@altelco.net
Cc: Dan Martin



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 18, 2008

Ms. Tami Arsenault
Allendale Charter Township
6676 Lake Michigan Drive
P.O. Box 539
Allendale, MI 49401

RE: Enclosed Manufactured Housing Commission Order

Dear Ms. Arsenault:

The Commission reviewed your manufactured housing community rental inspection and registration ordinance at its June 11, 2008, meeting. As you will note, the Commission voted to deny the provisions you submitted.

You have the right to appeal this denial within 15 days of your receipt, according to the instructions outlined on page two of the Order. Alternatively, you may opt to send us a letter before the expiration date, requesting the Commission's re-consideration of its June 11 vote. This would give the Commission additional time it needs to request that designated manufactured housing industry and consumer committees further evaluate your proposal and other new variations we have received to create a standardized consensus on guidelines and criteria for re-crafting a model composite ordinance regulating the activities described in your filing. The Commission is making this request because it believes it needs additional time and counsel to reconcile the many questions and issues which arose amongst its members which prevented their approval of your ordinance, despite having read your information and accompanying background presented.

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Ms. Tami Arsenault
June 18, 2008
Page Two

If you decide to grant the Commission's extension request, please reply in writing before your 15-day hearing request deadline. Feel free to contact me if you have any questions about this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin G. DeGroat", followed by a horizontal line extending to the right.

Kevin G. DeGroat, Analyst
Office of Local Government and Consumer Services

KGD/kgd

Enclosure

**MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES**

2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

ALLENDALE TOWNSHIP
Ottawa County

Ms. Tami Arsenault
Allendale Charter Township
6676 Lake Michigan Drive
P O. Box 539
Allendale, MI 49401

**ORDER OF THE MANUFACTURED HOUSING COMMISSION
INTENT TO DENY PROPOSED LOCAL ORDINANCE PURSUANT
TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Manufactured Housing Commission, (hereafter the Commission), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq.; MSA 3.560 (101) et seq.; Executive Order 1996-2; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq.; MSA 19.855 (101) et seq. (hereafter the Act); and the rules promulgated under the Act (hereafter the Rules), hereby issues this Order of Intent to Deny Proposed Local Ordinance Pursuant to the Mobile Home Commission Act (hereafter the Order), pursuant to Rule 125 (1), R 125.1125 (1). This proposed local ordinance higher standard was submitted by Allendale Charter Township and received on May 14, 2008.

WHEREAS, the Commission reviewed the proposed local ordinance higher standard at its meeting on June 11, 2008.

WHEREAS, pursuant to Section 7 (1) of the Act, MCL 125.2307 (1), the Commission finds that the proposed local ordinance higher standard submitted by the local government is unreasonable, arbitrary, and not in the public interest.

IT IS FURTHER ORDERED that, pursuant to Rule 125 (2), R 125 1125 (2), the proposed local ordinance higher standard cited above as denied will be denied fifteen days from the date of the receipt of this Order. If a written request for hearing is filed with the Commission by the local government within fifteen days of receipt of this Order, then the matter shall be set down for hearing to commence without undue delay. If a written request for hearing is not filed with the Commission by the local government within fifteen days of receipt of this Order, then the proposed higher standard shall be automatically denied and this Order shall be a final order in the matter.

ANY COMMUNICATIONS regarding this Order should be addressed to the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government & Consumer Services, Attention: Kevin G. DeGroat, P.O. Box 30254, Lansing, Michigan 48909-8203.



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

June 11, 2008



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MEMORANDUM

DATE: June 2, 2008

TO: Manufactured Housing Commission

FROM: Kevin DeGroat, Office of Local Government and Consumer Services

SUBJECT: PROPOSED MANUFACTURED HOUSING ORDINANCE
ALLENDALE TOWNSHIP, OTTAWA COUNTY (received after the 5/14/08
ORC meeting)

Recommend consideration and general approval of the attached formal proposal, which includes a 12-page Rental Housing Registration Ordinance; a six-page Property Maintenance Code; and a 13-page descriptive "guideline" checklist itemizing home and property components inspectors evaluate when inspecting individual rental lots. The Township indicates in its earlier correspondence that the proposal will apply to tenant-occupied rental manufactured homes, whether inside or outside of a manufactured housing community. For your comparative review, I have also attached the Bureau's 3/28/08 technical bulletin on local ordinances regulating rental housing (home and site) inspection and registration in manufactured housing communities

Absent a body of Commission precedent, I do not have comprehensive guidelines to reference how previous Committees or Commissioners have voted on other variations of the provisions the Township wants you to consider, under the Mobile Home Commission Act's (1987 PA 96, as amended) Section 7 (1) criteria for higher standards. Although I found no major conflicts with the Act and Code or the spirit of the City of Warren-based Model habitation code the Commission has approved since 1983, the following provisions may warrant clarification:

1. *Is the variable phrase "shall comply with...or violates the standards or the provisions of any ordinance adopted by the Township or any state law" construed to preempt the Act when regulating rental manufactured housing communities? [Sections 5, 5 (b) (1,2), 5 (c)(1,2,) and 6 (a) (4) on pages 5, 6 and 8]*
2. *The content of the referenced Chapters 5 through 7 referenced in 404.4.5, p. 7 of the checklist.*

Attachments

cc: Ms. Tami Arsenault, Allendale Township (w/o encl.)

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Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
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Allendale Charter Township

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

CHIEF BUILDING
OFFICIAL AND
ZONING
ADMINISTRATOR -
PHILIP BRUMMEL

OFFICE MANAGER -
SHARON KLEINJANS

BUILDING
INSPECTOR -
JOHN WATSON

RENTAL HOUSING
INSPECTOR -
TAMI ARSENAULT

PLUMBING
INSPECTOR -
GARY RAAK

ELECTRICAL
INSPECTOR -
MIKE STILLE

MECHANICAL
INSPECTOR -
PHIL SHAFFER

PLANNING
COMMISSION

BOARD OF APPEALS

CONSTRUCTION
CODE BOARD OF
APPEALS

RECEIVED

MAY 14 2008

DEPT. OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
BUILDING DIVISION

May 9, 2008

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
ATTN: Larry Lehman
Kevin DeGroat
P.O. Box 30254
Lansing, Michigan 48909

Dear Sirs:

Allendale Charter Township, Department of Planning and Community Development has spent some time reviewing the copy of the Technical Bulletin that was issued on March 28, 2008; Publication Number 51 from your office, as well as the previous correspondence that you sent in regards to Registration and Inspection of residential rental units in manufactured housing communities.

This Department would like to request a FORMAL REVIEW of our ordinances, so that we may, if granted approval, treat all rental units within the manufactured housing community equal to those residential rental units within our Township that are not within a manufactured community.

The request for formal review is twofold. First, we are asking for you to review our RENTAL HOUSING REGISTRATION ORDINANCE. This essentially sets forth parameters for all residential rental units to be registered every year, with a registration fee of \$15.00 per unit. The inspections take place every two years. Second, we are asking for you to review our PROPERTY MAINTENANCE CODE. Our Township adopted the 2003 International Property Maintenance Code, with a few modifications to fit residential rentals, and to not include commercial. I am including all our ordinances as well as the inspection checklist that comes from the International Property Maintenance Code, section by section.

We would greatly appreciate your understanding in the matter of wanting to treat all our residential rental units equally, and our not wanting to create a separate ordinance to just deal with the rental units within a manufactured housing community.

Please do not hesitate to call me with any questions that you may have, or if additional information is required to be submitted.

Sincerely,



Tami Arsenault

Rental Housing Inspector

616-895-6295 ext 34

Fax: 616-895-6330

tarsenault@altelco.net

Allendale Charter Township

6676 Lake Michigan Dr., P O Box 539, Allendale MI 49401-0539

616-895-6295 fax 616-895-6670 or 616-895-6330 www.allendale-twp.org

12/06/04

ORDINANCE NO. 2004-15

pp. 5, 6, 8

1-12

p. 7 checklist

RENTAL HOUSING REGISTRATION ORDINANCE

AN ORDINANCE to provide for the registration and regulation of rental housing located within the Township; to allow inspections; to provide penalties for violation; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN
ORDAINS:

Section 1. Purpose and Intent.

The Charter Township of Allendale recognizes the need for an organized inspection and registration program for residential rental units located within the Township in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the Township. The Township recognizes that the most efficient system is the creation of a program requiring the registration and inspection of residential rental units within the Township as defined in this Ordinance, so that orderly inspection schedules can be made by Township officials.

Section 2. Definitions.

As used in this Ordinance, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) *"Dwelling unit"* means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.
- (b) *"Landlord"* means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (c) *"Owner"* means the legal title holder of a rental unit or the premises within which the rental unit is situated.
- (d) *"Owner-Occupied Rental Unit"* means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

- (e) *"Person"* means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (f) *"Premises"* means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.
- (g) *"Rental unit"* means any dwelling unit or residential structure containing sleeping units, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year or any other term.
- (h) *"Responsible local agent"* means a natural person having his or her place of residence in the county and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the Township.
- (i) *"Tenant"* means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Section 3. Requirements.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied, unless all of the following requirements have first been met.

- (1) The owner of the rental unit shall have registered the rental unit with the Department of Planning and Community Development by completing and filing a current registration form with the Department of Planning and Community Development, as provided in Section 4 of this Ordinance.
- (2) An inspection shall have been completed to the satisfaction of the Department of Planning and Community Development.
- (3) A valid certificate of compliance shall have been issued by the Department of Planning and Community Development.
- (4) The current certificate of compliance shall be posted conspicuously on the premises.
- (5) All fees charged by the Township for the registration and inspection of the rental unit shall be paid in full.

- (6) The owner or responsible local agent of the rental unit shall provide the Department of Planning and Community Development a document which states the names and telephone numbers of individuals who will occupy the unit. It shall also provide the length of their occupancy. Upon renewal of occupants' lease if applicable, a notice of this information shall be furnished to the Department of Planning and Community Development.

Section 4. Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied without first registering the rental unit with the Department of Planning and Community Development and designating a responsible local agent

(a) *Registration Forms.*

Registration shall be made upon forms furnished by the Department of Planning and Community Development and shall require all of the following information.

- (1) The street address of the rental unit(s);
- (2) The number and types of rental units within the rental property;
- (3) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);
- (4) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;
- (5) The maximum number of tenants permitted for each rental unit;
- (6) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to collect rent from the tenants;
- (7) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to make or order repairs or services for the property, if in violation of Township or State codes, if the person is other than the owner or the responsible local agent;
- (8) The name, address and telephone number of the person, if any exists, who holds a lien on the rental unit or the real property on which the rental unit is located.

(b) *Accurate and Complete Information.*

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by both the property owner(s) and the designated responsible local agent. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

(c) *Change in Registration Information or Transfer of Property.*

Except for a change in the registered local agent, the property owner of a rental unit registered with the Township shall re-register within sixty (60) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within sixty (60) calendar days following the transfer of the property. Property owners shall notify the Department of Planning and Community Development of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within five (5) business days of the change.

If a transfer of ownership occurs and there is a current certificate of compliance on file, then the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill out a new registration form.

(d) *Registration Term and Renewals.*

Registration of a rental unit shall be effective for one year. All registrations shall expire on October 15 of each year. The property owner shall re-register each rental unit with the department of Planning and Community Development, thirty (30) calendar days prior to the expiration of the registration of the rental unit (i.e., by September 15 of each year).

(e) *Responsible Local Agent.*

The designated responsible local agent shall be responsible for all of the following:

- (1) operating the registered rental unit in compliance with all applicable Township ordinances;
- (2) providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Township Ordinances;
- (3) maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and

- (4) accepting all legal notices or services of process with respect to the rental unit.

Section 5. Inspections.

All facilities, areas and rental units governed by this Ordinance shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the Township. ✓

(a) *Biennial Inspections.*

Except as provided in subsection 5(a)(3), all rental units shall be inspected by the Department of Planning and Community Development at least once every two years. During the subsequent twelve (12) months after registration, the Department of Planning and Community Development shall notify half of all registered owners of rental units that an inspection must be completed. During the next following calendar year, the Department of Planning and Community Development shall notify the remaining registered owners that an inspection of the remaining registered rental units must be completed. Prior to conducting inspections of those occupied rental units existing as of October 15, 2004, the Department of Planning and Community Development may issue a temporary certificate of compliance as provided in Section 6(b). The Department of Planning and Community Development shall thereafter alternate inspections of rental units biennially. The biennial inspection shall not, however, eliminate an owner's responsibility to register such rental units on an annual basis.

- (1) If the first biennial inspection is in compliance with the Property Maintenance Ordinance and all other Township Ordinances, such rental units will have their next biennial inspection waived. If a complaint is filed with the Township and found to be valid, therefore making said unit not in compliance, the following biennial inspection shall not be waived.
- (2) Nothing in this section shall preclude the inspection of said dwellings more frequently than once every two years.
- (3) The following rental units shall be exempt from biennial inspections as provided below.
 - a) Rental units that were constructed prior to January 1, 1990, shall be exempt from all biennial inspections until there has been a change in occupancy of the rental unit. Nothing in this subsection shall preclude the inspection of said rental units pursuant to subsections 5(b) and/or 5(d) below.
 - b) New rental units that have been issued a certificate of occupancy after October 15, 2000, shall be exempt from the initial biennial inspection. If a valid complaint is not filed regarding the rental unit within the two years following the waived initial inspection, then the next biennial inspection of the rental unit shall also be waived. Nothing in this subsection shall preclude the inspection of said rental units pursuant to subsections 5(b) and/or 5(d) below.

(b) *Basis for Inspections.*

Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following.

- (1) A complaint received by the Department of Community Development, the Allendale Township Community Policing Officers, or any member of the Ottawa County Sheriff's Department, indicating that there is a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law; ✓
- (2) An observation by the Department of Community Development, the Allendale Township Community Policing Officers, or any member of the Ottawa County Sheriff's Department, Allendale Township Staff, or Allendale Fire Chief, of a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law; ✓
- (3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire;
- (4) The registration, re-registration and certification of a rental unit as required by this Ordinance;
- (5) The need to determine compliance with a notice or an order issued by the Township;
- (6) An emergency observed or reasonably believed to exist;
- (7) A request for an inspection by the property owner; or
- (8) Requirements of law where a dwelling is to be demolished by the Township or where ownership is to be transferred to the Township

(c) *Inspection Procedures.*

(1) Once the Department of Planning and Community Development has determined that a rental unit is in compliance with all of the ordinances adopted by the Township and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. The inspection shall then be valid for a period of two years from the date the certificate of compliance is issued. ✓

(2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable Township and State codes and ordinances, the Department of Planning and Community Development shall provide the registered local agent and/or owner with written notice of such violations. The Department of Planning and Community Development shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance shall ✓

be satisfied. If such violations have not been corrected within that period, the Department of Planning and Community Development shall not issue the certificate of compliance and may take any action necessary to enforce compliance with applicable Township and State codes and ordinances.

(3) If there is a complaint filed on a property with the Department of Planning and Community Development, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by the Department of Planning and Community Development or Allendale Township Community Policing Officers, it will require immediate compliance with adopted Property Maintenance Ordinance. If the complaint is not of an emergency nature, the owner will have fourteen (14) calendar days to correct such violation, after which a re-inspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.

(4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

(5) Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected.

(6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.

(d) *Transfer of Ownership Inspections.*

(1) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance exists for the unit, then the Department of Planning and Community Development shall waive the inspection. The new owner shall comply with the requirements of Section 4(c) of this Ordinance by re-registering the rental unit within sixty (60) calendar days following the transfer of the property.

(2) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance does not exist for the unit, then the Department of Planning and Community Development shall conduct an inspection within thirty (30) calendar days following the notification of the transfer of ownership as required by Section 4(c). If violations of this Ordinance or any other Township ordinance, code or State code or law are found, a notice of violation shall be issued to the owner.

(3) If ownership of any rental unit is transferred contrary to subsection (d)(1) or (2) of this Section, or if the new owner fails to re-register a rental unit as required by Section 4(c) of this Ordinance, the certificate of compliance and rental unit registration shall be deemed to expire within sixty days of the transfer unless appropriate steps are taken to obtain a rental unit registration and

certificate of compliance.

(4) Within sixty (60) calendar days of the transfer of ownership of a rental unit, the new owner shall notify all residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owner-occupied rental unit, of the transfer of ownership.

Section 6. Certificate of Compliance.

No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied unless there is a valid certificate of compliance issued by the Department of Planning and Community Development for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

(a) *Requirements.*

A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed.

- (1) Registration of the rental unit with the Department of Planning and Community Development;
- (2) Designation of the responsible local agent;
- (3) Payment in full of any and all required fees for registration, plus any penalties that may have been imposed on the property; and
- (4) Inspection by the Department of Planning and Community Development resulting in a determination that the rental unit and the property complies with all Township Ordinances and state law. ✓

(b) *Temporary Certificates.*

Temporary certificates of compliance may be issued without prior inspection by the Department of Planning and Community Development for those occupied rental units existing as of October 1, 2004. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following October 1, 2004, to allow property owners to operate such rental units until such time as an inspection may be made by the Department of Planning and Community Development. At such time as an inspection is made and the Department of Planning and Community Development has determined that provisions of this Ordinance have been complied with, the temporary certificate shall expire.

(c) *Posting of the Certificate of Compliance.*

The certificate of compliance shall be displayed in a conspicuous place in each rental unit at

all times, along with the name, address and telephone number of the responsible local agent.

Section 7. Fees.

The Township Board shall establish by resolution an appropriate fee for registration and inspections.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected.

Section 8. Maintenance of Records.

All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspection Program shall be maintained by the Department of Planning and Community Development and made available to the public as allowed or required by State law.

Section 9. Penalty.

Any person who violates this Ordinance shall be responsible for a municipal civil infraction, subject to the procedures and sanctions contained in Ordinance No. 1995-1. Increased civil fines may be imposed for repeated violations, which means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible, as provided in Ordinance No. 1995-1.

Section 10. Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 11. Repeal.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 12. Administrative Liability.

No officer, agent, employee or member of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 13. Effective Date.

This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on October 25, 2004, after introduction and a first reading on September 27, 2004, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on _____, 2004, in The Ottawa Advance, a newspaper having general circulation in the Township.

Township Supervisor

Township Clerk

CERTIFICATE

I, Candy Kraker, Clerk for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Rental Housing Registration and Licensing Ordinance was adopted at a regular meeting of the Township Board held on October 25, 2004. The following members of the Township Board present at the meeting: Jim Beelen, Candy Kraker, Greg DeJong, Ken Knoper, Butch Mohr, Joanie Hodson, Pierce Roon. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Jim Beelen, Candy Kraker, Butch Mohr, Joanie Hodson, and Pierce Roon voting in favor and members of the Board: Greg DeJong and Ken Knoper voting in opposition. The Ordinance was published in the Ottawa Advance on _____, 2004.

Candy Kraker
Township Clerk

Resolution 2005-19
Rental Housing Registration Fees

At a regular meeting of the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, held at the Township Hall located at 6676 Lake Michigan Dr., Allendale Charter Township, Ottawa County, Michigan, on June 27, 2005.

Present: Beelen, Kraker, Roon, DeJong, Knoper, VanDyke

Absent: Mohr

The following resolution was offered by Knoper, and seconded by Roon.

WHEREAS, the Rental Housing Registration Ordinance 2004-15 was adopted by the Allendale Charter Township Board on October 25, 2004.

WHEREAS, the ordinance refers to the establishment of fees for registration and inspections.

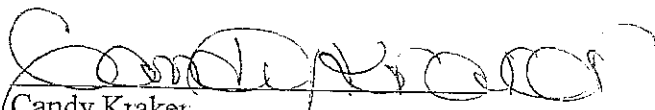
NOW, THEREFORE, BE IT RESOLVED that the following fees be set:

- \$15 for registration, which covers the cost of the first inspection.
- \$15 for the following registration fee, as long as the rental unit is in compliance.
- \$30 for the following registration fee, if violations are found to exist.
- \$30 for re-inspections.

Yes: Beelen, Kraker, Roon, DeJong, Knoper, VanDyke

No: none

Resolution approved on June 27, 2005.


Candy Kraker
Allendale Charter Township Clerk

FORMAL
REVIEW

Draft Date
02/11/05

ORDINANCE NO. 2005-1

PROPERTY MAINTENANCE CODE ORDINANCE

new
1-6

AN ORDINANCE of the Charter Township of Allendale to adopt the 2003 edition of the International Property Maintenance Code, with revisions, to regulate and govern the conditions and maintenance of all residential rental property, buildings and structures within the Township by providing standards for supplied utilities, facilities and other physical things and conditions essential to ensure that such structures are safe, sanitary and fit for occupation and use; to provide for the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such structures in the Township; to provide for the issuance of permits and collection of fees; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. The Charter Township of Allendale hereby adopts the International Property Maintenance Code, 2003 edition, as published by the International Code Council, as the Property Maintenance Code of Allendale Charter Township, in the State of Michigan for regulating and governing the conditions and maintenance of all residential rental property, buildings and structures. The Code provides the standards for supplied utilities, facilities and other physical things and conditions essential to ensure that such structures are safe, sanitary and fit for occupation and use. The Code also provides for the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such structures. The Code further provides for the issuance of permits and collection of fees. Each and all of the regulations, provisions, penalties, conditions and terms of the Property Maintenance Code on file in the office of the Department of Planning and Community Development are hereby referred to, adopted, and made a part of this Ordinance, as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 2: The following sections are revised as follows.

Section 101.1. Insert: "Allendale Charter Township."

Section 101.2. Replace existing text with: "The provisions of this Code shall apply to all existing residential rental structures and premises and constitute minimum requirements as standards for such premises, structures, equipment and facilities for light, ventilation, space,

heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing residential structures and premises, and for administration, enforcement and penalties."

Section 101.3. Insert: "residential rental" between "occupancy and maintenance of" and "structures".

Replace: "*International Existing Building Code*" with "the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34)".

Section 102.3. Replace: "*International Existing Building Code*" with "the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34)".

Section 103.2. Replace existing text with: "The code official shall be appointed by the chief appointing authority of the jurisdiction."

Section 103.5. Replace existing text with: "The fees for activities and services performed by the Department in carrying out its responsibilities under this Code shall be as determined from time to time by the resolution of the Township Board."

Section 106.3. Replace: "misdemeanor" with "municipal civil infraction".

Section 106.4. Insert: "For a municipal civil infraction" between "prosecuted" and "within the limits provided by state or local law."

Section 107.5. Insert: "residential rental" before "dwelling unit".

Section 109.3. Replace: "or order the authority" with "request the authority".

Section 109.6. Replace: "appeals board" with "Construction Board of Appeals."

Section 110.1. Insert: "residential rental" between "any" and "premises".

Section 111.1. Replace: "the board of appeals" with "the Construction Board of Appeals."

Replace: "within 20 days" with "within 14 days".

Section 111.2. Delete entire Section, including subsections.

Section 111.4. Insert: "the code official's representative" between "the code official" and "any person".

Section 201.3. Replace: "*International Building Code*" with "*Michigan Building Code*".

Replace: "*International Zoning Code*" with "*Allendale Charter Township Zoning Ordinance*".

Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Replace: "*International Mechanical Code*" with "*Michigan Mechanical Code*".

Replace: "*International Existing Building Code*" with "the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34)".

Replace: "the *ICC Electrical Code*" with "the *National Electric Code*".

Insert: "All references to the *International Building Code* shall be deemed to mean the *Michigan Building Code*; all references to the *International Zoning Code* shall mean the *Allendale Charter Township Zoning Ordinance*; all references to the *International Plumbing Code* shall mean the *Michigan Plumbing Code*; all references to the *International Mechanical Code* shall mean the *Michigan Mechanical Code*; all references to the *International Existing Building Code* shall mean the Chapter of the *Michigan Building Code* pertaining to existing structures (i.e., currently Chapter 34); and all references to the *ICC Electrical Code* shall mean the *National Electrical Code*."

Section 202. Insert: "BOARD OF APPEALS. The Allendale Charter Township Construction Board of Appeals."

Section 301.1. Insert: "residential rental" between "maintenance of" and "structures".

Section 301.2. Delete: "occupy as owner occupant or".

Section 301.3. Delete: "or vacant land".

Section 302.4. Insert: "eight (8) inches".

Section 302.9. Replace existing text with: "No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any residential rental structure or building by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair."

Section 304.3. Replace the last sentence with: "Numbers shall be in compliance with the numbering guide required or recommended by the Allendale Charter Township Fire Department."

Section 304.9. Delete: "marquees, signs,".

Section 304.14. Insert: "May 1," and "November 1."

Section 304.17. Delete Section.

Section 304.18.1. Insert: "For new construction, or alterations, remodelings, or replacements in existing buildings, doors" at the beginning of the first sentence.

Section 308.2. Delete Section.

Section 308.3. Delete Section.

Section 308.4. Delete Section.

Section 401.2. Delete: "occupy as owner-occupant, or".

Section 401.3. Insert: "and the *Michigan Mechanical Code*" in between "*Michigan Building Code*" and "shall be permitted".

Section 402.2. Delete: "In other than residential occupancies," from the beginning of the second sentence.

Section 404.1. Delete: "hotel units".

Section 404.5. Replace the entire Section, including all subsections, with: "Dwelling units shall not be occupied by more occupants than permitted by the zoning ordinance for the particular zoning district in which the property is located."

Section 501.2. Delete: "occupy as owner-occupant or".

Section 502.3. Delete Section.

Section 503.2. Delete: "hotel units,"

Section 505.1. Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Section 601.2. Delete: "occupy as owner-occupant or".

Section 602.2. Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Section 602.3. Insert: "September 1" and "June 1."

Replace: "*International Plumbing Code*" with "*Michigan Plumbing Code*".

Section 602.4. Insert: "September 1" and "June 1."

Section 604.2. Replace: The "*ICC Electrical Code*" with "*The National Electrical Code*".

Section 701.2. Delete: "occupy as owner-occupant or".

Section 702.1. Replace: "*International Fire Code*" with "*Michigan Building Code*".

Section 702.2. Replace: "*International Fire Code*" with "*Michigan Building Code*".

Section 702.3. Replace: "*International Building Code*" with "*Michigan Building Code*".

Section 703.1. Insert: "in accordance with the *International Building Code*, as was required at the time of construction" at the end of the sentence.

Replace: "*International Building Code*" with "*Michigan Building Code*".

Section 704.2. Delete: "in other groups".


Section 3. All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Township Board hereby declares it would have passed this Ordinance, in each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

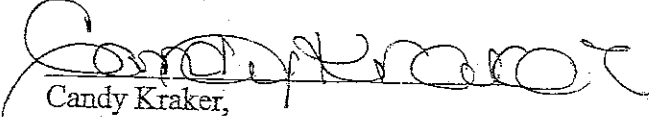
Section 5 No officer, agent, employee or member of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance or the Property Maintenance Code hereby adopted.

Section 6. Effective Date This Ordinance was approved and adopted by the Township Board of the Allendale Charter Township, Ottawa County, Michigan, on Feb. 14, 2005, after introduction and a first reading on Jan. 31, 2005, and publication after

first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on Feb. 8, 2005, in the Ottawa Advance, a newspaper having general circulation in the Township.



Jim Beelen,
Township Supervisor



Candy Kraker,
Township Clerk

DM050033

Below is a list with descriptions of items to be inspected. All items can be found in the 2003 Property Maintenance Code. *Note that all items below do not constitute an all inclusive list. This is to be used as a guideline.

Exterior Property Areas

 P[F] Sanitation 301.3 All vacant structures and premises shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.

Comments: _____

 P[F] Sanitation 302.1 All exterior property and premises shall be maintained in a clean, safe, sanitary condition.

Comments: _____

 P[F] Grading 302.2 Graded and maintained to prevent erosion.

Comments: _____

 P[F] Drainage 302.2 Prevents the accumulation of stagnant water thereon, or within structure.

Comments: _____

 P[F] Sidewalks, Driveways, Walkways, Stairs, Parking Spaces 302.3 In proper state of repair, and hazardous free.

Comments: _____

 P[F] Weeds 302.4 Be maintained free from weeds in excess of 8 inches.

Comments: _____

 P[F] Rodent Harborage 302.5 Free from rodent harborage and infestation.

Comments: _____

 P[F] Exhaust Vents 302.6 Shall not discharge gases, steam, vapor, hot air, grease, smoke, odors upon abutting or adjacent public or private property.

Comments: _____

 P[F] Accessory Structures 302.7 Detached garages, fences, walls maintained structurally sound and in good repair

Comments: _____

 P[F] Motor Vehicles 302.8 No inoperative or unlicensed motor vehicle shall be kept or stored on any premises, or at no time be in a state of major disassembly.

Comments: _____

 P[F] Defacement of Property 302.9 No mutilation or defacing any exterior surface by marking, carving or graffiti.

Comments: _____

Swimming Pools, Spas, Hot Tubs

___ P/F ___ Swimming Pool Sanitation 303.1 Maintained in clean and sanitary condition and in good repair.

Comments: _____

___ P/F ___ Enclosures when required 303.2 When contains water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above finished ground level. Gates and doors self-latching and self-closing where self-latching device is less than 54 inches above bottom of the gate and on pool side.

Comments: _____

Exterior Structure

___ P/F ___ General 304.1 Maintained and in good repair, structurally sound and sanitary.

Comments: _____

___ P/F ___ Protective Treatment 304.2 All exterior surfaces shall be maintained and in good condition and protected from the elements and decay.

Comments: _____

___ P/F ___ Premise Identification 304.3 Shall have address numbers placed where visible and legible from the street or road fronting the property. Minimum 4 inches high. Numbers shall be in compliance with the numbering guide required or recommended by the Allendale Charter Township Fire Department.

Comments: _____

___ P/F ___ Structural Members 304.4 Free from deterioration and capable of supporting imposed dead and live loads.

Comments: _____

___ P/F ___ Foundation Walls 304.5 Maintained plumb and free from open cracks and breaks and prevent entry of rodents and other pests.

Comments: _____

___ P/F ___ Exterior Walls 304.6 Free from holes, breaks, loose or rotting materials; maintained weatherproof and properly coated to prevent deterioration.

Comments: _____

___ P/F ___ Roofs and Drainage 304.7 Roof and flashing shall be sound, tight and defect free as to not admit rain. Drains, gutters in good repair and free from obstructions.

Comments: _____

___ P/F ___ Decorative Features 304.8 Cornices, belt courses, corbels, terra cotta trim, wall facings maintained in good repair with proper anchorage.

Comments: _____

___ P/F ___ Overhang Extensions 304.9 In good repair and properly anchored and protected from elements.

Comments: _____

P|F Stairways, decks, porches, balconies 304.10 Structurally sound, good repair, proper anchorage, capable of supporting imposed loads.

Comments: _____

 P|F Chimneys 304.11 Structurally safe and sound and protected from elements and decay.

Comments: _____

 P|F Handrails and Guards 304.12 Firmly fastened, in good condition, and capable of supporting imposed loads.

Comments: _____

 P|F Windows, Skylight and Door Frames 304.13 Kept in good repair, sound, and weather tight

Comments: _____

 P|F Glazing 304.13.1 Glazing materials free from cracks and holes.

Comments: _____

 P|F Openable windows 304.13.2 Every window other than fixed, shall be easily openable and capable of being held in position by window hardware.

Comments: _____

 P|F Insect Screens 304.14 From May 1st through November 1st

Comments: _____

 P|F Doors 304.15 In good condition and locks shall tightly secure the door.

Comments: _____

 P|F Basement Hatchways 304.16 Basement hatchways shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

Comments: _____

 P|F Building Security 304.18 All doors, windows or hatchways for dwelling units, rooms or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Comments: _____

 P|F Doors 304.18.1 For new construction, or alterations, remodelings, or replacements in existing buildings, doors providing access to all dwelling units that are rented shall be equipped with a deadbolt lock shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. A sliding bolt for this section shall not be acceptable. All deadbolts shall be in good working order and to be operable inside of the dwelling unit without the use of a key, tool, or combination thereof.

Comments: _____

 P|F Windows 304.18.2 Operable windows located in whole or part within 6 feet above ground level or a walking surface below that provides access to a dwelling unit shall be equipped with a window sash locking device.

Comments: _____

 P|F Basement Hatchways 304.18.3 Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the units from unauthorized entry.

Comments: _____

Interior Structure

___ P/F ___ General 305.1 The interior of a structure and equipment therein shall be maintained in good repair, structurally sound, and in sanitary condition. This includes the shared or public areas and exterior property.

Comments: _____

___ P/F ___ Structural Members 305.2 All structural members shall be maintained structurally sound, and capable of supporting the imposed loads.

Comments: _____

___ P/F ___ Interior Surfaces 305.3 All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or scraped away paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Comments: _____

___ P/F ___ Stairs and Walking Surfaces 305.4 Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Comments: _____

___ P/F ___ Handrails and Guards 305.5 Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Comments: _____

___ P/F ___ Interior Doors 305.6 Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks.

Comments: _____

Handrails and Guardrails

___ P/F ___ General 306.1 Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 42 inches high measured vertically above the nose of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Comments: _____

Rubbish and Garbage

___ P/F ___ Accumulation of rubbish or garbage 307.1 All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments: _____

___ P/F ___ Disposal of Rubbish 307.2 Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Comments: _____

___ P/F ___ Rubbish Storage Facilities 307.2.1 The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

Comments: _____

___ P/F ___ Refrigerators 307.2.2 Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on premises without first removing the doors.

Comments: _____

___ P/F ___ Disposal of Garbage 307.3 Every occupant shall dispose of garbage in clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Comments: _____

* ___ P/F ___ Containers 307.3.2 The owner of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Comments: _____

Extermination

___ P/F ___ Infestation 308.1 All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Comments: _____

___ P/F ___ Occupant 308.5 The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Comments: _____

Light, Ventilation and Occupancy Limitations

___ P/F ___ Responsibility 401.2 The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not permit another person to occupy any premises that do not comply with the requirements of this chapter.

Comments: _____

___ P/F ___ Alternative Devices 401.3 In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *Michigan Building Code*, and *Michigan Mechanical Code* shall be permitted.

Comments: _____

Light

 P[F] Habitable Spaces 402.1 Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the required minimum total window area for the room. **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

Comments: _____

 P[F] Common Halls and Stairways 402.2 Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with at least a 60 watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet.

Comments: _____

 P[F] Other Spaces 402.3 All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures

Comments: _____

Ventilation

 P[F] Habitable Spaces 403.1 Every habitable space shall have at least one operable window. The total operable area of the windows in every room shall be equal to at least 45 percent of the minimum glazed area required in section 402.1. **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Comments: _____

 P[F] Bathrooms and toilet rooms 403.2 Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

Comments: _____

 P[F] Cooking facilities 403.3 Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. **Exception:** Where specifically approved in writing by the code official.

Comments: _____

 P[F] Clothes dryer exhaust 403.5 Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with manufacturer's instructions.

Comments: _____

Occupancy Limitations

 P/F Privacy 404.1 Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

Comments: _____

 P/F Minimum room widths 404.2 A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

Comments: _____

 P/F Minimum ceiling heights 404.3 Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet. Exceptions: In one and two family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height. Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a ceiling height of 5 feet or more shall be included.

Comments: _____

 P/F Area for sleeping purposes 404.4.1 Every bedroom occupied by one person shall contain at least 70 square feet of floor area and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

Comments: _____

 P/F Access from bedrooms 404.4.2 Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.

Comments: _____

 P/F Water closet accessibility 404.4.3 Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Comments: _____

 P/F Prohibited Occupancy 404.4.4 Kitchens and non-habitable spaces shall not be used for sleeping purposes.

Comments: _____

 P/F Other requirements 404.4.5 Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water heating facilities of chapter 5; the heating facilities and electrical receptacle requirements of chapter 6; and the smoke detector and emergency escape requirements of chapter 7. ✓

Comments: _____

 P/F Overcrowding 404.5 Dwelling units shall not be occupied by more occupants than permitted by the zoning ordinance for the particular zoning district in which the property is located.

Comments: _____

___ P/F ___ Food preparation 404.7 All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Comments: _____

Plumbing Facilities and Fixture Requirements

___ P/F ___ Responsibility 501.2 The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not permit another person to occupy any structure or premises, which does not comply with the requirements of this chapter.

Comments: _____

___ P/F ___ Dwelling units 502.1 Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet, and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Comments: _____

___ P/F ___ Toilet Rooms-Privacy 503.1 Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

Comments: _____

___ P/F ___ Location 503.2 Toilet rooms and bathrooms serving rooming units, dormitory units, or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

Comments: _____

___ P/F ___ Floor Surface 503.4 In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, non-absorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Comments: _____

___ P/F ___ General Plumbing systems and fixtures 504.1 All plumbing fixtures shall be properly installed and maintained in working order, shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.

Comments: _____

___ P/F ___ Fixture Clearances 504.2 Plumbing fixtures shall have adequate clearances for usage and cleaning.

Comments: _____

___ P/F ___ Plumbing system hazards 504.3 Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Comments: _____

___ P/F ___ **General-Water System 505.1** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers, shall be supplied with hot or tempered and cold running water in accordance with the *Michigan Plumbing Code*.

Comments: _____

___ P/F ___ **Contamination 505.2** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Comments: _____

___ P/F ___ **Supply 505.3** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Comments: _____

___ P/F ___ **Water Heating Facilities 505.4** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower, and laundry facility at a temperature not less than 110 degrees F. A gas burning water heater shall not be located in any bathroom, toilet room, bedroom, or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief-valve discharge pipe shall be properly installed and maintained on water heaters.

Comments: _____

___ P/F ___ **General-Sanitary drainage system 506.1** Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Comments: _____

___ P/F ___ **Maintenance 506.2** Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Comments: _____

___ P/F ___ **General-Storm Drainage 507.1** Drainage of roofs and paved areas, yards and courts and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Comments: _____

Mechanical and Electrical Requirements

___ P/F ___ **Responsibility 601.2** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not permit another person to occupy any premises, which does not comply with the requirements of this chapter.

Comments: _____

___ P/F ___ **Facilities required 602.1** Heating facilities shall be provided in structures as required by this section.

Comments: _____

___P|F___ Residential Occupancies 602.2 Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms, based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Michigan Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Exception: In areas where the average monthly temperature is above 30 degrees F, a minimum temperature of 65 degrees F.

Comments: _____

___P|F___ Heat Supply 602.3 Every owner shall supply heat from September 1st to June 1st to maintain a temperature of not less than 68 degrees F in all habitable rooms, bathrooms, and toilet rooms. Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be indicated in Appendix D of the *Michigan Plumbing Code*. In areas where the average monthly temperature is above 30 degrees F a minimum temperature of 65 degrees F shall be maintained.

Comments: _____

___P|F___ Occupiable work spaces 602.4 Indoor occupiable work spaces shall be supplied with heat during the period from September 1st and June 1st to maintain a temperature of not less than 65 degrees F during the period the spaces are occupied. Exceptions: Processing, storage and operation areas that require cooling or special temperature conditions. Areas in which persons are primarily engaged in vigorous physical activities.

Comments: _____

___P|F___ Room temperature measurement 602.5 The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

Comments: _____

___P|F___ Mechanical appliances 603.1 All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Comments: _____

___P|F___ Removal of combustion products 603.2 All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances which are labeled for un-vented operation.

Comments: _____

___P|F___ Clearances 603.3 All required clearances to combustible materials shall be maintained.

Comments: _____

___P|F___ Safety Controls 603.4 All safety controls for fuel-burning equipment shall be maintained in effective operation.

Comments: _____

___P|F___ Combustion air 603.5 A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Comments: _____

___ P/F ___ Energy conservation devices 603.6 Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

Comments: _____

___ P/F ___ Electrical facilities required 604.1 Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605.

Comments: _____

___ P/F ___ Service 604.2 The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Michigan Electrical Code*. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

Comments: _____

___ P/F ___ Electrical system hazards 604.3 Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Comments: _____

___ P/F ___ Installation-Electrical equipment 605.1 All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

Comments: _____

___ P/F ___ Receptacles 605.2 Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one ground-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

Comments: _____

___ P/F ___ Lighting fixtures 605.3 Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

Comments: _____

___ P/F ___ General-Elevators 606.1 Elevators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator, or the certificate shall be available for public inspection in the office of the building operator.

Comments: _____

___ P/F ___ Elevators 606.2 In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Where there is only one elevator, it is permitted to be temporarily out of service for testing or servicing.

Comments: _____

___ P/F ___ General-Duct systems 607.1 Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Comments: _____

Fire Safety Requirements

___ P|F ___ Responsibility 701.2 The owner shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not permit another person to occupy any premises that do not comply with the requirements of this chapter.

Comments: _____

___ P|F ___ General means of egress 702.1 A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *Michigan Building Code*.

Comments: _____

___ P|F ___ Aisles 702.2 The required width of aisles in accordance with the *Michigan Building Code* shall be unobstructed.

Comments: _____

___ P|F ___ Locked Doors 702.3 All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Michigan Building Code*.

Comments: _____

___ P|F ___ Emergency escape openings 702.4 Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Comments: _____

___ P|F ___ Fire-resistance-rated assemblies 703.1 The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions, and floors shall be maintained in accordance with the *Michigan Building Code* at the time of construction.

Comments: _____

___ P|F ___ Opening Protectives 703.2 Required opening protectives shall be maintained in a working condition. All fire smoke stop doors shall be maintained in working condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or made inoperable.

Comments: _____

___ P|F ___ General fire protection systems 704.1 All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof, shall be maintained in a working condition at all times in accordance with the *International Fire Code*.

Comments: _____

___ P|F ___ Smoke Alarms 704.2 Single or multiple station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4 and in dwellings not regulated in group R occupancies, regardless of occupant load at all of the following locations: On the ceiling or wall outside of each separate sleeping area and in the immediate vicinity of bedrooms. In each room used for sleeping purposes. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings where there are split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple station smoke alarms shall be installed in accordance with the *International Fire Code*.

Comments: _____

___ PF ___ Power Source 704.3 In group R occupancies and in dwellings not regulated as Group R occupancies, single station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection. Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

Comments: _____

___ PF ___ Interconnection 704.4 Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exceptions: 1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind. 2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

Comments: _____



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Bureau of Construction Codes Technical Bulletin

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MANUFACTURED HOUSING COMMUNITY ORDINANCES FOR THE INSPECTION AND REGISTRATION OF RENTAL HOUSING

"Providing for Michigan's Safety in the Built Environment"

Technical bulletins are issued to provide clarification on issues which arise regarding code administration and enforcement. The information provided in the bulletin is developed to promote uniform interpretation and enforcement of the state codes.

DLEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

MANUFACTURED HOUSING COMMUNITY ORDINANCES FOR THE INSPECTION AND REGISTRATION OF RENTAL HOUSING

Issue

May a locality enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission (Commission) approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act (1987 PA 96, as amended)?

Discussion

Local enforcing agencies administer and enforce the state building, electrical, mechanical and plumbing codes for the buildings and structures in manufactured housing communities, under the authority of the Stille-DeRossett-Hale Single State Construction Code Act. These codes reference the 2003 International Property Maintenance Code for the maintenance of buildings and structures for the general safety and welfare of the public and the occupants. Localities may enforce the Property Maintenance Code to maintain community buildings and other site-built structures to construction code standards.

A municipality may also seek approval of a housing code, which contains provisions establishing minimum health and living standards for rented manufactured homes, regardless of vintage.

A municipality adopting and applying a Property Maintenance Code for issues *other* than occupancy related issues, such as tall grass, junk cars, or rental inspections in a manufactured home community, shall submit its ordinance to the Commission for approval, under Section 7(1) of the Mobile Home Commission Act. Section 7(1) provides that:

"A local government which proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or a seasonal mobile home park that is higher than the standard provided in this act or the code; or a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code shall file the proposed standard with the commission. The commission may promulgate rules to establish the criteria and procedure for implementation of higher standards by a local government. The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local

government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code.” [emphasis mine]

Annual inspections of manufactured housing communities are conducted by the Bureau of Construction Codes to ensure the community is properly maintained under Section 17 of the Mobile Home Commission Act and Executive Order 2006-16. While these inspections focus on manufactured home site conditions, two rules established under this Act’s authority apply to community-owned buildings:

Rule R125.1708 (1): “The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair.”

Michigan Department of Environmental Quality (MDEQ) Rule R325.3371: “The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules.”

Local code authorities responsible for administering and enforcing the Stille-DeRossett-Hale Single State Construction Code Act within their jurisdictions, who become aware of an unsafe structure, shall inspect and cause the issuance of a violation notice calling for the necessary corrections to return the property to a safe and sanitary condition. The Michigan Code provides that all structures must be maintained in a safe and sanitary manner. Section R102.7 of the code references the 2003 International Property Maintenance Code.

Section 101.2 of the Property Maintenance Code provides:

“The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.”

Manufactured housing community rental inspections are not authorized by either the Construction Code or Mobile Home Commission Acts, but may be conducted under an adopted manufactured housing community ordinance that is submitted to and approved by the Commission, as provided in Section 7(1) of the Act. Municipalities may submit their ordinances to the Bureau for formal staff review and submission to the Commission for consideration

Conclusion

A locality *may not* enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act. This prohibition applies to manufactured homes which are both owned and leased by the manufactured housing community, as well as those which are occupant-owned and sited on lots leased by the community. This requirement is to assure that the ordinance is consistent with construction and licensing provisions established by the Mobile Home Commission Act, Construction Code Act, and the federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations (24 CFR Parts 3280 and 3282, respectively).

Questions about this technical bulletin may be directed to the Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Building Division, P.O. Box 30254, Lansing, Michigan 48909, (517) 241-9317.



City of Inkster

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Joyce A. Parker
City Manager

June 13, 2008

RECEIVED
DEPARTMENT OF
LABOR & ECONOMIC GROWTH

JUN 17 2008

Henry L. Green, Executive Director
Bureau of Construction Codes
MI D L E G
P.O. Box 30254
Lansing, MI 48909

BUREAU OF CONSTRUCTION CODES
ADMINISTRATION DIVISION

Dear Mr. Green:

On behalf of the City of Inkster, I would like to thank you for your commitment of time and expertise in assisting us in our submission of local ordinances for review by the Manufactured Housing Commission.

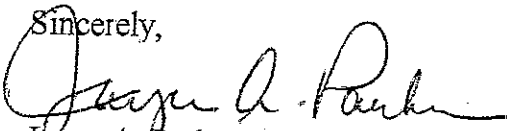
Enclosed, you will find a copy of the Inkster Blight Ordinance and the newly amended Inkster Rental Ordinance. It is our belief that our ability to enforce these codes within the boundaries of the Inkster's two manufactured housing communities will benefit the community residents and owner/managers, as well as the City.

Because of the large rental population in Inkster, our experience has been that these ordinances have proved instrumental in providing safe, desirable living environment for tenants while, at the same time, protecting owner investments and raising neighborhood standards. We look forward to extending the same standards to our manufactured housing communities.

Please inform us of the date of hearing, as well as whether or not an Inkster representative should be in attendance.

Thank you again for your kind considerations.

Sincerely,


Joyce A. Parker
City Manager

ORDINANCE NO. 8-04

AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 788 AND ORDINANCE NO. 796 OF THE CITY OF INKSTER CODE WHICH REQUIRES THE REGISTRATION OF RENTAL PROPERTIES AND THE OBTAINING OF A CERTIFICATE OF COMPLIANCE FOR ALL RENTAL DWELLINGS AND RENTAL UNITS

The purpose of this Ordinance is to protect and promote the health, safety and welfare of people in residential buildings to be occupied or reoccupied pursuant to a rental or lease agreement by requiring the registration of residential rental properties and the inspection of all buildings and/or structures to be rented or leased for residential living purposes. This Ordinance adopts safeguard controls through reference to other codes and State of Michigan Acts.

PREAMBLE:

The Inkster City Council, in adopting this Ordinance recognizes the growing number of rental units within the City of Inkster and further recognizes the unfortunate decline of many of these rental units and their impact upon the rest of the community. In an attempt to protect the citizens as a whole of the City of Inkster, it is deemed necessary that the within Ordinance be adopted in order to protect the integrity of the residential rental units in the City of Inkster and the health, safety, and welfare of the residents.

THE CITY OF INKSTER ORDAINS:

SECTION 1. – DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings respectively ascribed to them in this section:

A. *Residential Rental Property* means any building or buildings or any portion of a building to be leased or rented to another for residential use purposes by the owner or possessor of land for any consideration.

B. *Property Maintenance Code* means the International Property Maintenance Code.

C. *State Construction Code* means the Code and rules adopted by the state construction commission pursuant to act No. 230 of Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.) as amended. The rules adopted include the Michigan Building Code, Michigan Administrative Code R408.30402 et seq.

D. *State Housing Law* means sections 1 through 137 of the State Housing Law, being Act No. 167 of the Public Acts of Michigan of 1917, (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended.

SECTION 2. – STATE LAW ADOPTED. The City hereby adopts by reference sections 1 through 137 of the State Housing Law, being Act No. 167 of the Public Acts of Michigan of 1917, (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended. The city clerk shall keep one copy of the State Housing Law for inspection and used by the public. Each residential rental property shall be required to meet the requirements of the State Housing Law. The Building Department shall be the enforcing agency, as required by the State Housing Law. A separate resolution adopting the State Housing Law, as required by Section 1 of the State Housing Law, was passed by a majority vote of the City Council on the date of adoption of this Ordinance.

SECTION 3. – REGISTRATION. It shall be unlawful for any person to engage in the business of renting residential property without registering the property with the City. Registration is required to be completed by the owner of any building or buildings to be rented or leased for residential use purposes.

A. Application. Applications for registration shall be made on such form and in accordance with such instructions as may be provided by the Building Department, which shall include, but not be limited to, the provision of the following information:

- (1) A sworn statement by the applicant stating that the building, buildings or portion of the building that the person seeks to rent or lease to another, are not in violation of the State Construction Code, the Property Maintenance Code or the State Housing Law;
- (2) The applicant's name, business address (or home address if no business address), and phone number.
- (3) The common address and legal description of each building or portion of building that the applicant seeks to rent or leased to another person
- (4) The number of rental or lease units contained in each such building; such as, the number of apartments.
- (5) The names, business addresses (or home address if no business address), and telephone numbers of all owners of each building or portion of building to be rented; and
- (6) The name, business address, and telephone number of the responsible local agent. Post office boxes or business addresses will be accepted as legal addresses. Where a post office box is provided, a street address will also be provided. All mail will go to the post office box where one is provided. Said registration shall be kept in the Building Department with a copy provided to Code Enforcement. Applicants will also be informed of Certificate of Compliance requirements at the time of registration.

B. One Registration per Owner. Only one registration shall be required per owner regardless of the number of buildings or portions of buildings to be rented or leased and which are owned by the owner. Where there are multiple owners of one property, the owners may provide one registration form, provided that the registration form is signed by all the owners, and each owner's relative interest in each of the properties is the same for each building or portion of a building.

C. Responsible Local Agent. The responsible local agent, as designated by the owner(s), shall be legally responsible for operating each building or portions of the building listed on the registration. Where there are multiple buildings and responsible local agents, it shall be made clear on the application which responsible local agent is responsible for each building or portion thereof. The responsible local agent shall also be responsible for providing access to the buildings or portions thereof for the making of inspections necessary to insure compliance with the terms of this Ordinance. Each responsible local agent shall maintain a current list of the number of occupants in each building or portions thereof for which the local responsible agent is responsible. This shall include, at a minimum, a rent roll listing by address and unit the names of all leaseholders.

D. A Certificate of Compliance shall not be issued if there has not been compliance with the registration provisions of this Ordinance.

E. Registration is Deemed Consent to Inspection of Premises. An owner, by registering, shall be deemed to have given consent to the City of Inkster to enter any of the listed premises on the application, at reasonable times, to inspect the premises so long as those premises are not leased. Leased premises may be inspected subject to notice and consent of tenant, or upon the issuance of an administrative warrant. Owner's leases with tenants shall have provisions requiring tenants to comply with all local laws.

F. Building Department to Maintain Registry. The Building Department shall maintain a registry of owners and properties governed by this Ordinance, which shall list all rental premises in the City, and the owners thereof, a description of the premises, e.g. house, apartment, flat, and whether the premises are vacant or occupied. In the case of multi-tenant buildings, the Building Department may request, and if so requested, the

owner shall provide, a copy of the rent roll for the premises showing which units are occupied and which are vacant.

SECTION 4. - CERTIFICATE OF COMPLIANCE. It shall be unlawful for any person to rent or lease residential property without first obtaining a Certificate of Compliance for each residential rental property from the City. A valid Certificate of Compliance is required to exist for each rented or leased residential property unit at all times.

A. No owner of any residential rental property and no agent of such owner shall hereafter offer to let or hire any residential rental property or any portion thereof, or permit the re-occupancy of any such residential rental property or any portion thereof, after expiration of a Certificate unless the residential rental property has been inspected and a Certificate of Compliance has been issued by the City for the residential rental property and each unit therein. A Certificate of Compliance shall be effective for a period of three (3) years.

B. The Building Department shall cause such inspection to be had, and such certificate to be issued, if the residential rental property meets the minimum requirements of all State and City Housing and Building codes, as enumerated in subsections B, C, and D of Section 1 of this Ordinance, within a reasonable time after application therefore and payment of any inspection fee. The Building Department shall schedule inspections in the manner determined by the Building Department to best ensure compliance with this ordinance, while taking into account the resources of the Building Department. The Building Department shall have the ability, in its sole discretion, to schedule the inspection of multiple units of the same property over a period of time, so long as all units of the property are inspected within a three year period. Property owners shall work with the Building Department to determine the most appropriate schedule for inspecting all units of their respective properties. A property owner who requests that inspections of the units on their property occur over a period of time such that more than one visit to the property is required for the first inspection of the units shall pay an additional fee, as determined by resolution of City Council, for each such visit to the property for the first inspection of units. A notice of violation of this ordinance shall not be issued where an inspection has been scheduled but not yet completed. The Certificate of Compliance shall certify that the dwelling unit complied with all applicable provisions of such building and housing codes at the time of inspection.

C. Fees. A \$10.00 per residential rental property registration fee, regardless of number of units, shall be paid at the time of the issuance of the Certificate of Compliance. Another registration fee will not have to be paid unless there is a transfer of ownership of the residential rental property.

D. Costs. The owner is responsible for reimbursing the City in advance for the cost of the inspection, and any re-inspections of the residential rental property, required for the Certificate of Compliance. An inspection or re-inspection will not take place until the City has been reimbursed for its costs. A schedule of the City's current costs in order to obtain a Certificate of Compliance is available at the Building Department and is set by resolution of the City Council. Any fees and/or costs may be changed from time to time by Resolution of the City Council. If the date of the Certificate of Compliance falls within 90 days of the owner having received a Certificate of Occupancy for the same residential rental property, the costs may be waived.

E. Application. An application for a Certificate of Compliance for each residential rental property shall be made in such form and in accordance with such instructions as may be provided by the Building Director and shall include at least the following information:

- (1) Business name, business address or home address if no business address and phone number of each owner
- (2) Name or business, business address or home address if no business address and phone number of the Responsible Local Agent
- (3) Address and number of residential living units contained within the residential rental property.

F. Posting. The Certificate of Compliance and the name, business address and telephone number of the responsible local agent shall be posted in a conspicuous place either within a common area shared by all occupants of a residential rental property. If there is no common area, then a copy of the certificate and the name or business address and telephone number of the responsible local agent shall be posted within each unit.

SECTION 5. -- DISCLAIMER OF LIABILITY. A Certificate of Compliance is not a warranty or guarantee that there are no defects in the rental dwelling or unit. The inspection of the land use, exterior posture and interior accessories of the structure is limited to visual inspection only. The City of Inkster does not guarantee or approve by inference any latent, structural, or mechanical defects. The City shall not assume any liability to any person by reason of the inspections required by the Ordinance or the Code adopted herein or the issuance of a Certificate of Compliance or a Certificate of Occupancy.

SECTION 6. -- SAVINGS. All proceedings pending and all rights and liabilities existing and acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 7. -- BALANCE. The balance of said Ordinance shall remain in full force and effect.

SECTION 8. -- VALIDITY. Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 9. -- CONFLICTS. All ordinances in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10. -- PENALTY. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall be punished by a fine of not more than \$500.00 and the costs of prosecution or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment. Furthermore, the failure to comply with this Ordinance and prosecution by the City under this Ordinance, does not preclude the City from also pursuing whatever remedies the City may also have, including but limited to, pursuing the remedies available to the City under the City's Blight Violations Ordinance and/or the revocation of the property's Certificate of Occupancy.

SECTION 11. -- EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption and publication and/or posting as required by law.

Velida Gutierrez-Smith
City Clerk
Inkster, Michigan

Adopted: May 5, 2008
Effective: May 5, 2008
Posted:

635616v8

ORDINANCE NO. 810

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF INKSTER BY ADDING A NEW CHAPTER TITLED 'BLIGHT VIOLATIONS', WHICH SHALL CONSIST OF ARTICLE I, TITLED "IN GENERAL", SECTIONS 1 TO 1.10, ARTICLE II, TITLED "ADMINISTRATIVE HEARINGS BUREAU", SECTIONS 2.1 TO 2.50, AND ARTICLE III, TITLED "VIOLATIONS", SECTIONS 3.1 TO 3.3

THE CITY OF INKSTER ORDAINS:

ARTICLE I. IN GENERAL

Sec. 1. Purpose.

The city finds that the current zoning and housing related ordinances have operated in a manner that has been less than efficient and effective in obtaining compliance in the city's neighborhoods. This chapter is designed to define, prevent, reduce, and eliminate blight, factors, and causes of blight and address other quality of life violations in the city that negatively impact the public health, safety, and welfare of the residents of the city. Consistent with the State Statute, MCL 117.41, 117.4q and 117.4r, authorizing the creation of an administrative hearings bureau, the city finds that changing zoning, building or property maintenance, solid waste and illegal dumping, disease and sanitation, noxious weeds, and vehicle abandonment, and inoperative vehicles from criminal misdemeanor or civil infraction offenses to blight violations punishable by a civil fine as determined following a hearing in the city administrative hearings bureau is a potentially more efficient and effective way of gaining compliance.

Sec. 1.1. Definitions.

The following words and phrases as used in this chapter shall have the meaning set forth in this section unless a different meaning is clearly required by the context:

Blight means a condition that impairs, destroys, or deteriorates the property because of its decay, improper storage, or effect on property or quality of life including, but not limited to, such things as litter, refuse, rubbish, garbage, junk, noxious weeds, inoperative vehicles, and waste. The proper storage of materials or equipment incidental to and necessary for the carrying out of any business or occupation lawfully being carried out on the property in question is not the cause of blight or a blighting factor if all applicable city ordinances are satisfied. The piling and storage of firewood in a neat orderly manner for consumption by the property residents is not blight.

Blight violation means any unlawful act, or any omission or failure to act, which is designated by this Code as a blight violation pursuant to Section 41(2) of the Michigan Home Rule Cities Act, being MCL 117.41(2).

Building materials means any material or equipment used in the restoration, renovation or construction of any structure or surface, including but not limited to lumber, bricks,

concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws, ladders, scaffolding, or tools.

Garbage includes all animal and vegetable wastes resulting from the handling, preparation, cooking, consumption, or decomposition of food.

Junk includes any abandoned, discarded, stored, unused object or equipment, regardless of viability of use or value, stored in the open, including but not limited to motor vehicle parts, machinery, furniture, appliances, bottles, boxes, cartons, crates, or remnants of cloth, wood, metal, rubber, or other cast-off materials.

Litter includes garbage, refuse and rubbish as defined herein, all other waste materials and all other objects and materials including, but not limited to, furniture, appliances, clothing and all other household objects which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Refuse includes garbage, rubbish, trash, debris, junk, ashes, incinerator ash or residue, street cleaning, industrial sludge, solid commercial and industrial waste, animal waste, inoperable household appliances, or broken or damaged stuffed furniture, but does not include human body waste, liquid or other waste regulated by statute, or ferrous or nonferrous scrap possessed by a commercial scrap metal processor or a commercial re-user of ferrous or nonferrous products.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard tin cans, grass clippings, wood, glass, bedding, crockery, and similar materials.

Waste includes any litter, garbage, trash, rubbish, or refuse that is a useless or worthless by-product of any industrial, biological, or other such process and tends to create a danger to public health, safety, and welfare. Useless shall be defined as not having useful qualities; of no practical good; or not serving the purpose or not having any purpose. Worthless shall be defined as without worth; of no use, importance or value; good-for-nothing; useless; or valueless.

Sec 1.2. Exclusions.

This chapter does not address any civil infraction under the Michigan Vehicle Code, the Uniform Traffic Code, provisions that allow for control of traffic in parking areas, or a similar municipal ordinance.

Nothing in this chapter affects the jurisdiction of the planning commission, the zoning board of appeals or the building code board of examiners and appeals. Furthermore, nothing in this chapter shall affect the provisions of any other ordinance that is not in conflict with the provisions contained herein.

Sec. 1.3. Chapter not inconsistent.

The provisions of this chapter apply to administrative adjudication proceedings conducted by the administrative hearings bureau to the extent that they are not inconsistent with the provisions of this Ordinance, which set forth specific procedures for the administrative adjudication of particular code provisions.

Sections 1.4-1.10. Reserved.

ARTICLE II. ADMINISTRATIVE HEARINGS BUREAU

Sec. 2.1. Administrative hearings bureau--Establishment and composition.

The city council establishes an office of the municipal government to be known as the administrative hearings bureau ("bureau"), which is authorized to conduct administrative adjudication proceedings for departments and agencies of the city for blight violations, as defined in section 1.1.

The bureau will be administered by an administrative hearings officer(s), who will be appointed by the city council, and staffed by other employees as may be provided for in the approved city budget. The administrative hearing officer shall only be removed for reasonable cause.

The administrative hearings officer will be compensated pursuant to a Resolution approved by the Inkster City Council which Resolution may be amended from time to time.

Sec 2.2. Director--Powers and duties (Reserved).

Sec. 2.3. Administrative hearing officer--Powers and duties

Each administrative hearing officer appointed by the city council must be an attorney admitted to the practice of law in the State of Michigan for at least five (5) years and is removable only upon reasonable cause. Each administrative hearing officer has all the power necessary to conduct fair and impartial hearings including, but not limited to, the power to:

- (1) Hold conferences for the settlement or simplification of the issues;
- (2) Administer oaths and affirmations;
- (3) Hear testimony;
- (4) Rule upon motions, objections, and the admissibility of evidence;
- (5) Subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information, subject to the restrictions contained in section 2.5-21 at the request of any party or on the administrative hearing officer's own motion;
- (6) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- (7) Regulate the course of the hearing in accordance with this chapter, the rules adopted by the bureau, or other applicable law;
- (8) Discuss administrative adjudication proceedings with a supervisor, if one is appointed;
- (9) Issue a final order, which includes findings of fact and conclusions of law;
- (10) Impose penalties and fines, if any, and issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation; provided, however, that an administrative hearing officer does not have the authority to: (i) impose a penalty of imprisonment; or (ii) except in cases to enforce the collection of any tax imposed and collected by the city, in which this limitation shall not apply, (iii) impose a fine in excess of ten thousand dollars (\$10,000.00) exclusive of costs of enforcement or costs imposed to secure compliance with this Code; and

- (11) Assess costs upon affirming the order or determination in any case in which a party has sought review by the bureau of an order or determination of another city department or agency, when such review is authorized by this Code
- (12) Does not have the power to reduce, suspend or hold in abeyance any minimum fine which may be established from time to time by resolution of the Inkster City Council for any violation established in this Ordinance.

Sec. 2.4 Administrative hearing officer--Training requirements.

Before conducting any administrative adjudication proceeding, an administrative hearing officer must have successfully completed a formal training program which program shall be approved by the City, which includes the following:

- (1) Instruction on the rules of procedure of the administrative hearings, which he or she will conduct;
- (2) Orientation to each subject area of the code violations, which he or she will adjudicate;
- (3) Observation of administrative hearings; and
- (4) Participation in hypothetical cases, including ruling on evidence and issuing final orders

Sec. 2.5 Rules--Available for public inspection.

The rules promulgated by the bureau for the conduct of administrative adjudication proceedings must be published within sixty (60) days of the adoption of this chapter and thereafter kept on file in the office of the city clerk for public inspection and copying during normal business hours

Sec. 2.6 Instituting administrative adjudication proceedings.

Any authorized department or agency of the city may institute an administrative adjudication proceeding with the bureau by forwarding a copy of a notice of violation and a notice of hearing, which has been properly served on the respondent, to the bureau. Authorized local official means a City of Inkster Police Officer, Fire Fighter, Code Enforcement Officer, Building Official and/or Building Official's designee, Inspector and/or other City of Inkster employee or agent, who is authorized to issue blight violations in accordance with this Chapter and the provisions of this Code that are designated as blight violations. Any authorized local official who institutes an administrative adjudication proceeding with the bureau shall contemporaneously with the service upon the respondent of the notice of violation and notice of hearing, provide a copy of the notice of violation and notice of hearing to the Building Official.

Sec. 2.7 Adjudication by mail

The rules adopted by the bureau may provide that a respondent may elect to contest an alleged violation through adjudication by mail rather than at an administrative hearing

Sec. 2.8 Notice

- (a) Before any administrative adjudication proceeding may be conducted, the parties must be afforded notice in compliance with this section

(b) Unless otherwise provided by law or rule, the issue of a notice of violation or notice of hearing must specify in the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; the section of the Code or departmental rule or regulation which was allegedly violated; and certify the correctness of the specified information by signing his or her name to the notice with the following: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief." A notice of hearing including the date, time, and location of the hearing and the penalties for failure to appear at the hearing must be included.

(c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing must be served upon the alleged violator no less than fourteen (14) calendar days before the date of the hearing:

(1) By first class or express mail or by overnight carrier at the violator's residence address or, if the violator is a business entity, at any address identified for its registered agent or at its principal place of business;

(2) By personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or

(3) If service cannot be made by either of (1) or (2) above, when the alleged violator is the owner or manager of the property by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found.

(d) In all non-emergency situations, if requested by the respondent, the respondent has at least fifteen (15) days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare.

Sec 2 9. Administrative hearings.

(a) Any administrative adjudication proceeding conducted by the bureau must be conducted before an administrative hearing officer.

(b) An attorney who appears on behalf of any person must file with the administrative hearing officer a written appearance on a form provided by or approved by the bureau for such purpose.

(c) The case for the city may not be presented by an employee of the bureau; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department or agency of the city may be presented at the hearing by the administrative hearing officer.

(d) The administrative hearing officer may grant a continuance only upon a finding of good cause.

(e) All testimony must be given under oath or affirmation.

(f) The administrative hearing officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas is subject to the restrictions contained in section 2.11.

- (g) Subject to subsection (j) of this section, the administrative hearing officer may, in unusual circumstances, permit witnesses to submit testimony by affidavit or by telephone. The administrative hearing officer shall use his best efforts to verify the identity of any witness that may be allowed to testify by telephone.
- (h) The formal and technical rules of evidence do not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (i) The office of the city attorney must prove the violation by a preponderance of the evidence; however, a violation notice, or a copy thereof, issued and signed in accordance with section 2.8 is prima facie evidence of the correctness of the facts specified therein.
- (j) Upon the timely request of any party to the proceeding, any person, who the administrative hearing officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, must be made available for cross-examination before a final determination of liability.
- (k) The record of all hearings before an administrative hearing officer includes:
- (1) A record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;
 - (2) All documents presented at the hearing;
 - (3) A copy of the notice of violation or notice of hearing; and
 - (4) A copy of the findings and decision of the administrative hearing officer.
- (l) Upon conclusion of a hearing, the administrative hearing officer must issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may:
- (1) Impose penalties and or fines that are consistent with applicable provisions of this Ordinance;
 - (2) Issue orders that are consistent with applicable provisions of this ordinance; and or
 - (3) Assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that the administrative hearing officer may not impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the city, where this limitation does not apply, impose a fine in excess of ten thousand dollars (\$10,000.00) exclusive of costs of enforcement and or costs imposed to secure compliance with this Code. The administrative hearing officer does not have the power to reduce, suspend or hold in abeyance any minimum fine which may be established from time to time by Resolution of the Inkster City Council for any violation established in this Ordinance.
- (m) In the issuance of a final determination of liability, an administrative hearing officer must inform the respondent of his or her right to seek judicial review of the final determination as provided in Section 2.15 of this Ordinance.

Sec. 2.10. Default.

- (a) If at the time set for a hearing the recipient of a notice of violation or a notice of hearing, or his or her attorney of record, fails to appear, the administrative hearing officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision, and

order. A copy of the order of default must be served in any manner permitted by section 2 10(c).

(b) The recipient of a notice of violation or a notice of hearing who is found to be in default may petition the administrative hearing officer to set aside the order of default and set a new hearing date in accordance with section 2.19.

Sec 2 11 Subpoenas

(a) An administrative hearing officer may issue a subpoena only if he or she determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

(1) Relevant to the case; and

(2) Relates to a contested issue in the case.

(b) A subpoena issued under this chapter must identify:

(1) The person to whom it is directed;

(2) The documents or other items sought by the subpoena, if any; and

(3) The date, time, and place for the appearance of the witnesses and or the production of the documents or other items described in the subpoena.

(c) The date identified for the appearance of the witnesses or the production of the documents or other items must not be less than seven (7) days after service of the subpoena.

(d) Within three (3) business days of being served with a subpoena issued in accordance with this chapter, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena to the Wayne Circuit Court or an administrative hearing officer, who is not be the same administrative hearing officer who ordered the issuance of the subpoena.

Sec. 2 12. Compliance bond.

To ensure that code violations are remedied or fines are paid in a timely manner, an administrative hearing officer, upon issuing a final determination of liability, may require a code violator to post with the city a compliance bond or, as appropriate, to consent to the granting and recording of a lien against titled property. The administrative hearing officer may set the compliance bond in an amount equal to the fines and costs. Whenever it is necessary for the city to make repairs or otherwise expend funds relating to a code violation for which a bond was posted, or whenever fines or costs remain unpaid after a code violator has exhausted or failed to exhaust judicial review procedures, the administrative hearing officer may, after giving the parties notice and opportunity to be heard, issue an order permitting the city to draw against the bond in an appropriate amount, or to foreclose on the lien. The administrative hearing officer must order the bond or the titled property or proceeds from the titled property, less the costs incurred by the city, returned to the code violator upon proof of compliance with the applicable code provisions and the payment of applicable fines or costs.

Sec. 2.13. Violations of orders.

(a) *Elements of the offense.* A person violates this section if he or she:

(1) Receives notice and an opportunity to be heard under this Code; and

(2) Knowingly fails to comply with an order issued by an administrative hearing officer under this chapter, including any requirement of a subpoena

Each day that the violation occurs is a separate and distinct offense.

(b) *Defenses.* It is an affirmative defense to this section that the Wayne County Circuit or any other court of competent jurisdiction stayed the order issued by the administrative hearing officer before the effective date of the order.

(c) *Prohibited defenses.* It is not a defense to this section that a person:

(1) Came into compliance or attempted to come into compliance with the order after the date the order by its terms required compliance; or

(2) Sought judicial review of the order but failed to obtain a stay of the order before the date the order by its terms required compliance

(d) *Sentence/Contempt.* A person convicted under this section is guilty of a misdemeanor and punishable by a period of jail not greater than ninety (90) days, a fine of not more than five hundred dollars (\$500 00) and the costs of enforcement.

(e) *Venue.* The city attorney must institute actions under this section in a court of competent jurisdiction

Sec. 2 14. Seized/unclaimed property.

After an administrative hearing officer has issued a final determination of liability or no liability, any property seized by the city in relation to the subject matter of the final determination of liability or no liability that is not forfeited by operation of law may be reclaimed by the lawful owner provided that all penalties and fees have been paid. The procedures for the reclamation are within the discretion of the department head of the city department or agency charged with maintaining custody of the property. After the expiration of time during which judicial review of the final determination of liability may be sought or thirty-five (35) days after the final determination of no liability, unless stayed by a court of competent jurisdiction, any property not so reclaimed may be disposed of by the city department or agency charged with maintaining custody of the property as provided by law.

Sec. 2 15 Judicial review.

Any final decision by the administrative hearing bureau that a code violation does or does not exist is a final determination for purposes of judicial review and is subject to review on appeal by the Wayne County Circuit Court, except as otherwise may be provided by law for decisions issued before the effective date of this chapter. An appeal must be filed within twenty-eight (28) days after entry of the decision and order of the administrative hearing officer. The circuit court's review is subject to the requirements set forth in MCLA 117 4q (16)--(19) which provides as follows:

“(16) Any final decision by a hearing officer that a blight violation does or does not exist constitutes a final decision and order for purposes of judicial review and may be enforced in the same manner as a judgment entered by a court of competent jurisdiction

(17) A party may file an appeal within 28 days after entry of the decision and order by the hearing officer. An appeal of a final decision and order of an administrative hearing officer is to the circuit court.

(18) An alleged violator who appeals a final decision and order to circuit court shall post with the administrative hearings bureau, at the time the appeal is taken, a bond

equal to the fine and costs imposed. A party who has paid the fine and costs is not required to post a bond. If a party who has posted a bond fails to comply with the requirements of the supreme court rules for an appeal to the circuit court, the appeal may be considered abandoned, and the bureau may dismiss the appeal on 7 days' notice to the parties. The administrative hearings bureau must promptly notify the circuit court of a dismissal, and the circuit court shall dismiss the claim of appeal. If the appeal is dismissed or the decision and order are affirmed, the administrative hearings bureau may apply the bond to the fine and costs. An appeal by the city must be asserted by the city's attorney and a bond is not required.

(19) An appeal to circuit court shall be a review by the court of the certified record provided by the administrative hearings bureau. Pending appeal, and subject to the bond requirement under subsection (18), the hearing officer may stay the order and any sanctions or costs imposed. Once an appeal is filed, and subject to the bond requirement under subsection (18), the court may stay the order and any sanctions or costs imposed. The court, as appropriate, may affirm, reverse, or modify the decision or order, or remand the matter for further proceedings. The court shall hold unlawful and set aside a decision or order of the hearing officer if substantial rights of an alleged violator have been prejudiced because the decision or order is any of the following:

- (a) In violation of the constitution or a statute, charter, or ordinance
- (b) In excess of the authority or jurisdiction of the agency as conferred by statute, charter, or ordinance
- (c) Made upon unlawful procedure resulting in material prejudice to a party.
- (d) Not supported by competent, material, and substantial evidence on the whole record.
- (e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion
- (f) Affected by any other substantial and material error of law."

Sec. 2.16. Enforcement of the administrative hearing officer's order

- (a) Any fine, sanction, or cost imposed by an administrative hearing officer's order that remains unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures is a debt due and owing the city and, as such, may be collected in accordance with applicable law.
- (b) After the expiration of the period in which judicial review may be sought, unless stayed by a court of competent jurisdiction, the findings, decision, and order of an administrative hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- (c) In any case in which a respondent fails to comply with an administrative hearing officer's order to correct a code violation or imposing a fine or other sanction as a result of a code violation, any expenses incurred by the city to enforce the administrative hearing officer's order, including but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or an administrative hearing officer is a debt due and owing the city. Before an administrative hearing officer fixes any expense, the respondent must be provided notice that states that the respondent must appear at a hearing before an administrative hearing officer to determine whether the respondent has failed to comply with the

administrative hearing officer's order. The notice must set the time for the hearing, which may not be less than seven (7) days from the date that notice is served. Notice is sufficient if served by first class mail and the seven-day period begins to run on the date that the notice is deposited in the mail.

(d) Upon being recorded in the manner required by the Uniform Commercial Code, a lien is imposed on the real estate or personal estate, or both, of the respondent in the amount of a debt due and owing the city. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) Nothing in this section prevents the city from enforcing or seeking to enforce any order of an administrative hearing officer in any manner, which is in accordance with applicable law.

Sec. 2 17. Interest.

Except as otherwise provided by law, interest on any debt due and owing accrues at the rate set for interest upon judgments.

Sec. 2 18. Fines payable to the office of city treasurer.

All fines and other monies paid to the city under this chapter shall be remitted to the office of city treasurer.

Sec. 2 19. Petition to set aside default order.

(a) An administrative hearing officer may set aside any order entered by default and set a new hearing date, upon a petition filed within twenty-one (21) days after the issuance of the order of default, if the administrative hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time, if the petitioner establishes that the petitioner was not provided with proper service of process. If the petition is granted, the administrative hearing officer must proceed with a new hearing on the underlying matter as soon as practical.

(b) If any order is set aside under this section, the administrative hearing officer must enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated default order and directing the city to refund any fines or penalties paid pursuant to the vacated order.

Sec. 2 20. Petition by city department for relief from a final order of liability entered in error.

(a) After an order of liability becomes final, the city department or agency, which initiated or prosecuted an administrative adjudication before the administrative hearings bureau may file a written petition for relief from a final order of liability entered in error with the bureau.

(b) The written petition must be filed and signed by the department or agency head of the initiating or prosecuting department or agency and must set forth facts alleging that the order of liability: (1) was entered in error; (2) is unsupported by the record; (3) is inconsistent with applicable provisions of this Code; and (4) should be vacated to avoid a miscarriage of justice. The authority to file and sign a petition under this section is expressly reserved to the department or agency head and may not be delegated to other department or agency officials or personnel.

(c) Upon the filing of a written petition by a department or agency head, the bureau must schedule a hearing on the petition. The scope of the hearing is limited to the merits of the petition and may not be expanded to constitute a re-litigation of the underlying notice of violation.

(d) If a petition is granted, the final order of liability must be vacated. If an order is vacated under this section, the administrative hearing officer must enter an order extinguishing any lien that has been recorded for any debt due and owing as a result of the vacated order and direct the city to refund any fines or penalties paid pursuant to the vacated order.

Sec. 2.21. Election of remedies.

The bureau may not conduct an administrative adjudication proceeding for an alleged violation of this Code where the requested remedy is a punishment of imprisonment; provided, however, where a violation of the code is punishable by fines and other penalties in addition to imprisonment, the city may elect to institute an action with the bureau and thereby waive any imprisonment for the code violation. Nothing in this chapter, however, precludes the city from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of an administrative hearing officer, pursuant to section 2.13.

Sec. 2.22. Administrative adjudication procedures not exclusive.

Notwithstanding any other provision of this chapter, neither the bureau's authority to conduct administrative adjudication procedures nor the institution of such procedures under this chapter precludes the city from seeking any remedies for code violations through the use of any other administrative procedure or court proceeding where authorized by law.

Sections 2.23--2.50. Reserved

ARTICLE III. VIOLATIONS

Sec. 3.1. General violations.

Established violations of Chapter 50, Garbage and Refuse, Sections 50.01-50.06 and 50.99; Chapter 90, Abandoned and Inoperable Vehicles, Section 90.01-90.26; Chapter 93, Health, Safety and Sanitation, Sections 93.01-93.32; Chapter 95, Noxious Weeds, Section 95.15-95.18 and 95.99; Chapter 150, Building and Property Maintenance, Sections 150.001-150.204; and Chapter 155, Zoning Code, Sections 155.001-155.214 and 155.999 are blight violations and are subject to the procedures and penalties outlined in this chapter. Each of those violations is considered as if more fully set forth here.

Sec. 3.2. Specific violations.

In addition to section 3.1, the following violations are blight violations subject to the procedures and penalties outlined in this chapter:

(1) Raw building materials. Except as may be permitted by a specific business license or other city ordinance, it is a blight violation for any person to store raw building materials on any property unless there is a valid building permit issued according to this

Code, and these materials are intended for use in connection with the construction occurring on the property.

(2) Junk waste. It is a blight violation for any person to store, accumulate, or permit the storage or accumulation of any junk or waste on property owned, leased, rented, or occupied by him.

(3) Littering. It is a blight violation for any person to knowingly, without the consent of the public authority having supervision of public property or the owner of private property, dump, deposit, place, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on public or private property other than property designated and set aside for such purposes.

(4) Abandoned refrigerators

a. It is a blight violation for any person to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended, available or discarded icebox, refrigerator or any other container of any kind which has an airtight door or lock which may not be easily released for opening from the inside of such icebox, refrigerator, container, or compartment.

b. It is a blight violation for any person to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any container of any kind, or compartment of any kind, which has a snap lock or other device thereon, without first removing the snap lock or the doors of such icebox, refrigerator, container or compartment, unless the doors thereto are securely fastened by the use of chains, locks or other devices adequate to prevent the opening of such doors

Sec. 3.3 Penalties.

All blight violations under this Code are subject to enforcement by the procedures and penalties outlined in this chapter. The city council will establish a schedule for the potential fines for violations of this chapter by resolution which may be amended from time to time.

Section 4

Savings Clause. All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or begun before the effective date of this amendatory act.

Section 5

Validity. Should any section, clause or paragraph of this chapter be declared by a court of competent jurisdiction to be invalid or against public policy, the same will not affect the validity of the remaining sections or provisions of this chapter or any part thereof other than the part declared to be invalid.

Section 6

Effective date. This ordinance shall take effect immediately upon posting as required by law.

Section 7.

Repeal All ordinances inconsistent herewith are repealed. Specifically, the penalty provisions of Chapter 9, Abandoned and Inoperable Vehicles; Chapter 50, Garbage and Refuse, being Section 50.99; Chapter 93, Health, Safety and Sanitation; Chapter 95, Noxious Weeds, being Section 95.99; Chapter 150, Building and Property Maintenance; and Chapter 155, Zoning Code, being Section 155.999 are repealed. The repeal does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Velida Gutierrez Smith
City Clerk
Inkster, Michigan

ADOPTED:

POSTED:



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

May 23, 2008

The Honorable Hilliard L. Hampton, II, Mayor
2121 Inkster Road
Inkster, MI 48141-1800

Ms. Joyce A. Parker, Manager
City of Inkster
2121 Inkster Road
Inkster, MI 48141-1800

Dear Mayor Hampton and Ms. Parker:

Pursuant to your request, I have caused a review of the proposed city ordinance to be conducted by this office. The analysis was conducted to determine if any of the items cited in the ordinance ran afoul of state regulations governing manufactured home communities.

Our review did not disclose any issues in conflict with the Mobile Home Commission Act or Rules.

To further assist you, I have attached a copy of the Bureau of Construction Codes Technical Bulletin No 51, which outlines specific information concerning the applicability of rental housing ordinances in manufactured home communities. You will note the Bulletin provides that:

“A locality *may not* enforce standards requiring rental inspections and registration of manufactured homes within land-lease manufactured housing communities without prior Manufactured Housing Commission approval of those standards under Sections 7(1) and 17(2) of the Mobile Home Commission Act. This prohibition applies to manufactured homes which are both owned and leased by the manufactured housing community, as well as those which are occupant-owned and sited on lots leased by the community. This requirement is to assure that the ordinance is consistent with construction and licensing provisions established by the Mobile Home Commission Act, Construction Code Act, and the federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations (24 CFR Parts 3280 and 3282, respectively).”

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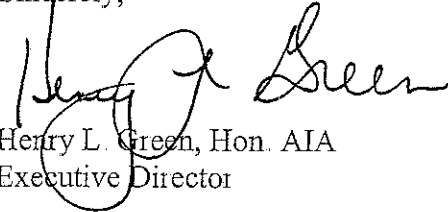
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137

Mayor Hampton & Ms. Linda A. Parker
Page 2
May 23, 2008

As we discussed, our preliminary review would offer guidance on the submission of your ordinance. I look forward to the receipt of your formal submission for review. Should you have any questions in the interim, please do not hesitate to contact me

Sincerely,



Henry L. Green, Hon. AIA
Executive Director

HLG/hav

Attachment

cc: Kenneth Cole

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MAY 23 2008

OFFICE OF LOCAL GOVERNMENT
& CONSUMER SERVICES

138



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MEMORANDUM

DATE: July 23, 2008

TO: Manufactured Housing Commission *K.D.*

FROM: Kevin DeGroat, Office of Local Government and Consumer Services

SUBJECT: PROPOSED MANUFACTURED HOUSING ORDINANCE
CITY OF HOLLAND, ALLEGAN AND OTTAWA COUNTIES (Denied by the
Commission on 6/11/08)

The City seeks **re-consideration** on 8/13/08 of the attached 46-page formal proposal, which includes a Rental Housing Inspection Ordinance and Property Maintenance Code. The City's cover letter indicates that the proposal will apply to tenant-occupied rental manufactured homes inside of a manufactured housing community. For your comparative review, I have attached the Bureau's 3/28/08 technical bulletin on local ordinances regulating rental housing (home and site) inspection and registration in manufactured housing communities.

Additional commentary on this re-submission is contained in the attached 7/16/08 Ordinance Review Committee report.

Attachments

cc: Ms. Cindy Osman, City of Holland (w/o encl)

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 18, 2008

Ms. Cindy Osman
City of Holland
270 River Avenue
Holland, MI 49423

RE: Enclosed Manufactured Housing Commission Order

Dear Ms Osman:

The Commission reviewed your manufactured housing community rental inspection and registration ordinance at its June 11, 2008, meeting. As you will note, the Commission voted to deny the provisions you submitted.

You have the right to appeal this denial within 15 days of your receipt, according to the instructions outlined on page two of the Order. Alternatively, you may opt to send us a letter before the expiration date, requesting the Commission's re-consideration of its June 11 vote. This would give the Commission additional time it needs to request that designated manufactured housing industry and consumer committees further evaluate your proposal and other new variations we have received to create a standardized consensus on guidelines and criteria for re-crafting a model composite ordinance regulating the activities described in your filing. The Commission is making this request because it believes it needs additional time and counsel to reconcile the many questions and issues which arose amongst its members which prevented their approval of your ordinance, despite having read your information and accompanying background presented.

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140

Ms. Cindy Osman
June 18, 2008
Page Two

If you decide to grant the Commission's extension request, please reply in writing before your 15-day hearing request deadline. Feel free to contact me if you have any questions about this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin G. DeGroat", followed by a long horizontal line extending to the right.

Kevin G. DeGroat, Analyst
Office of Local Government and Consumer Services

KGD/kgd

Enclosure

MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

CITY OF HOLLAND
Ottawa County

Ms. Cindy Osman
City of Holland
270 River Avenue
Holland, MI 49423

ORDER OF THE MANUFACTURED HOUSING COMMISSION
INTENT TO DENY PROPOSED LOCAL ORDINANCE PURSUANT
TO THE MOBILE HOME COMMISSION ACT

WHEREAS, the Manufactured Housing Commission, (hereafter the Commission), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq ; MSA 3.560 (101) et seq ; Executive Order 1996-2; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq ; MSA 19.855 (101) et seq . (hereafter the Act); and the rules promulgated under the Act (hereafter the Rules), hereby issues this Order of Intent to Deny Proposed Local Ordinance Pursuant to the Mobile Home Commission Act (hereafter the Order), pursuant to Rule 125 (1), R 125 1125 (1). This proposed local ordinance higher standard was submitted by the City of Holland and received on May 20, 2008

WHEREAS, the Commission reviewed the proposed local ordinance higher standard at its meeting on June 11, 2008.

WHEREAS, pursuant to Section 7 (1) of the Act, MCL 125.2307 (1), the Commission finds that the proposed local ordinance higher standard submitted by the local government is unreasonable, arbitrary, and not in the public interest.

IT IS FURTHER ORDERED that, pursuant to Rule 125 (2), R 125.1125 (2), the proposed local ordinance higher standard cited above as denied will be denied fifteen days from the date of the receipt of this Order. If a written request for hearing is filed with the Commission by the local government within fifteen days of receipt of this Order, then the matter shall be set down for hearing to commence without undue delay. If a written request for hearing is not filed with the Commission by the local government within fifteen days of receipt of this Order, then the proposed higher standard shall be automatically denied and this Order shall be a final order in the matter.

ANY COMMUNICATIONS regarding this Order should be addressed to the Michigan Department of Labor and Economic Growth, Bureau of Construction Codes, Office of Local Government & Consumer Services, Attention: Kevin G. DeGroat, P.O. Box 30254, Lansing, Michigan 48909-8203.



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

June 11, 2008



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

MEMORANDUM

DATE: June 2, 2008

TO: Manufactured Housing Commission *K.D.*

FROM: Kevin DeGroat, Office of Local Government and Consumer Services

SUBJECT: PROPOSED MANUFACTURED HOUSING ORDINANCE
CITY OF HOLLAND, ALLEGAN AND OTTAWA COUNTIES (received after
the 5/14/08 ORC meeting)

Recommend consideration and general approval of the attached 46-page formal proposal, which includes a Rental Housing Inspection Ordinance and Property Maintenance Code. The City's cover letter indicates that the proposal will apply to tenant-occupied rental manufactured homes inside of a manufactured housing community. For your comparative review, I have attached to the Allendale Township proposal the Bureau's 3/28/08 technical bulletin on local ordinances regulating rental housing (home and site) inspection and registration in manufactured housing communities.

Absent a body of Commission precedent, I do not have comprehensive guidelines to reference how previous Committees or Commissioners have voted on other variations of the provisions the City wants you to consider, under the Mobile Home Commission Act's (1987 PA 96, as amended) Section 7 (1) criteria for higher standards. I found no major conflicts with the Act and Code or the spirit of the City of Warren-based Model habitation code the Commission has approved since 1983. Sections 14-2 (d), p.2, and 14-4.33, second sentence, p 31, indicate that mobile homes are covered by this ordinance.

Attachments

cc: Ms. Cindy Osman, City of Holland (w/o encl.)

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City of Holland

May 14, 2008

Kevin DeGroot
Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
Building Division
P.O. Box 30254
Lansing, MI 48909

RE: Submission of City of Holland Rental Inspection Ordinance for Manufactured Housing Commission approval.

Dear Mr. DeGroot,

Enclosed please find a copy of the Housing Property Maintenance ordinance passed by Holland City Council in January of 1986. The intent of this ordinance was to set minimum standards for existing structures, and to establish a program where residential property occupied by someone other than the owner, would be inspected on a routine basis.

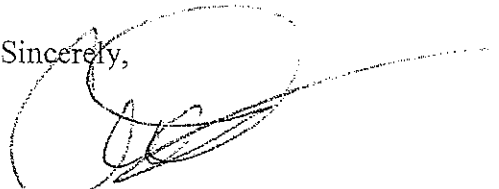
Prior to the publication of Technical Bulletin 51, the city included Manufactured homes in parks where the person who owned the home was not the same person residing in the home in the inspection program. Since publication however, I understand that we need the Commissions approval to enforce this ordinance

Please consider this letter as a formal request for the commission to review and approve the enclosed ordinance

To make clear out intent, we do not intend to inspect all the manufactured homes in the park, just the units that are occupied by someone other than the owner of home.

If you have any questions, or need additional information please do not hesitate to contact me.

Sincerely,



Cindy Osman, Assistant Director
Community and Neighborhood Services
City of Holland

616-355-1330
c osman@cityofholland.com

145

Chapter 14 HOUSING*

*Cross reference(s)--Buildings, Ch. 6; occupying boats in harbor for residence purposes, § 13-16; public lodging houses and residential care facilities, Ch. 26; trailers and trailer parks, Ch. 35

ARTICLE I. IN GENERAL*

*State law reference(s)--Housing generally, M.S.A., § 5.2771 et seq.

Sec. 14-1. Tax exemption established by certain state law not applicable to housing projects within city.

In accordance with subsection (5) of section 15a of Act No. 346 of the Public Acts of 1966, as amended, and by Act No. 334 of the Public Acts of 1968, as amended by Act No. 109 of the Public Acts of 1969, the tax exemption established in subsection (1) of section 15a of Act No. 346 of the Public Acts of 1966, as amended, shall not apply to all or any class of housing projects within the boundaries of the city to which such subsection (1) applies

(Ord No 574)

ARTICLE II. HOUSING-PROPERTY MAINTENANCE CODE*

*Cross reference(s)--Buildings generally, Ch. 6

State law reference(s)--Housing generally, M.S.A., § 5.2771 et seq

DIVISION 1. ADMINISTRATION AND ENFORCEMENT

Sec. 14-2. Short title; purpose; scope; adoption of BOCA provisions.

- (a) *Short title* This article shall be known as the Minimum Properties Standards Code of the City of Holland for all structures and properties and is herein referred to as "the Housing-Property Maintenance Code" or "this article."
- (b) *Purpose* The purpose of this article is to protect the public health, safety and welfare in buildings and on the premises as hereinafter provided by:
 - (1) Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; and for cooking equipment in all structures now in existence;
 - (2) Fixing the responsibilities of owners, operators and occupants of all structures; and

(3) Providing for administration, enforcement and penalties.

- ✓ (c) *Scope generally.* The provisions of this article shall apply to all structures and premises which are now, or may become in the future, substandard with respect to structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper eating, unsanitary conditions, overcrowding or welfare of their occupants. The existence of such conditions, factors or characteristics adversely affects public safety, health and welfare and leads to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.
- (d) *Applicability to travel trailers and mobile homes.* All moveable units used for human occupancy, and the areas, grounds or parcels on which they are located, insofar as they are applicable thereto shall comply with the requirements of this article.
- (e) *Adoption of appendix provisions of BOCA Basic Housing-Property Maintenance Code.* Pursuant to the power granted to cities by section 3K of Act 279 of the Public Acts of 1909, as amended, the provisions of appendix B of the First Edition of the 1984 BOCA Basic Housing-Property Maintenance Code, including any future amendments or deletions thereto, are hereby adopted and incorporated by reference. The application and interpretation of the provisions hereafter set forth shall be governed by the provisions contained therein.

(Ord. No. 862)

Sec. 14-3. Applicability of article to related ordinances and existing buildings.

- ✓ (a) *Generally.* Every portion of a building or premise used or intended to be used shall comply with the provisions of this article, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided
- (b) *Building Code.* Any alterations to buildings, or changes of use therein, which may be caused, directly or indirectly, by the enforcement of this article shall be done in accordance with applicable sections of the Building Code of the city.
- (c) *Zoning law.* Nothing in this article shall permit the establishment or conversion of a multifamily dwelling in any zone district except where permitted by the zoning law, or the continuation of such non-conforming use in any zone except as provided therein.
- (d) *Conflict with other ordinances.* In any case where a provision of this code conflicts with the provision of any zoning, building, fire, safety, or health ordinance or code of the City of Holland, the provision which establishes the higher standard for the promotion and protection of safety and health of the people shall prevail. In any case where a provision of this code conflicts with a provision of any other ordinance or code of the City of Holland and the other ordinance or code establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this code shall prevail. In any case where a provision of this code conflicts with the provision of any other ordinance or code of the City of Holland and the provisions of this code and the provisions of the other ordinance or code establish comparable standards for the safety and health of the people, the enforcing officer shall allow compliance with

either code or ordinance.

- (e) *Existing buildings.* This article establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this section.
- (f) *Existing remedies.* Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

(Ord. No. 862; Ord. No. 1051, 5-6-92)

Sec. 14-4. Enforcement authority.

- (a) *Enforcing officer.* It shall be the duty and responsibility of the department of environmental health of the city to enforce the provisions of this article as herein provided. The term "enforcing officer" shall mean the director of the department of environmental health of the city or his duly authorized representative.
- (b) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection therewith under the provisions of this article shall be the exclusive responsibility of the enforcing officer. Wherever, in the opinion of the enforcing officer, it is necessary or desirable to have inspections of any condition by any other department, he or she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders, to the extent reasonably practicable under the circumstances. No order for correction of any violation under this article shall be issued without the approval of the enforcing officer.
- (c) *Administrative liability.* Except as may otherwise be provided by the state statute, local law or ordinance, an officer, agent or employee of the city charged with the enforcement of this article shall not render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article. A person who institutes or assists in the prosecution of a criminal proceeding under this article shall not be liable for damages hereunder, as long as the person who institutes or assists in the prosecution has reasonable cause to believe that the party accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the jurisdiction, as a result of any act required or permitted in the discharge of his or her duties under this article, shall be defended by the legal representative of the jurisdiction until the final determination of the proceedings.
- (d) *Inspections.* The enforcing officer may make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the safety, health and welfare of the public under the provisions of this article.
- (e) *Right of entry.* When an inspection shall be made, the enforcing officer may request permission to enter the premises at any reasonable time for the purpose of performing his or her duties under this article. Permission to access the premises may be granted by the owner of the premises, his or her agent, a tenant occupying the premises or any other occupant of the premises. If there is

an emergency, then the enforcing officer shall have the right to enter at any time.

- (f) *Warrants for nonemergency situations.* In a nonemergency situation where the owner, his or her agent, a tenant or other occupant of the premises demands a warrant for the inspection of the premises, the enforcing officer shall obtain a warrant from a court of competent jurisdiction. The enforcing officer shall prepare the warrant, stating the address of the structure to be inspected, the nature of the inspection as defined in this article or other applicable acts, and the reason(s) for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g. complaint, compliance, etc.) established in this article and other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this subsection, and that it is for the purposes set forth in this article and other acts which require that inspections be conducted. If the court finds that the warrant is in proper form and in accord with this subsection, then it shall issue the warrant forthwith. In the event of an emergency, no warrant shall be required.
- (g) *Access by owner.* Every tenant or other occupant of a property in the city shall give the owner thereof, or his or her agent or employee, access to any part of the premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this article

(Ord. No. 862; Ord. No. 1201, 10-1-97)

Sec. 14-4.1. Condemnation of dangerous or unsafe structures.

- (a) *Generally.* Structures shall be condemned as dangerous structures or unsafe for human occupancy as herein provided.
- (b) *Dangerous structures.* If all or part of any building or structure (including, among others, a fence, billboard or sign) or the equipment for the operation thereof (including, among others, the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the enforcing officer, to be in an unsafe condition or dangerous to life, limb or property, the enforcing officer shall proceed to have the same condemned pursuant to the applicable provisions of codes of the city or the state pertaining to unsafe structures
- (c) *Structures unfit for human occupancy.* Whenever the enforcing officer finds that any structure constitutes a hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary or vermin-infested; or lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this article, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such structure as unfit for human occupancy and order it to be vacated.
- (d) *Unlawful structures.* If any structure, or any part thereof, is occupied by more occupants than permitted under this article, or was erected, altered or occupied contrary to law, such structure shall be deemed an unlawful structure, and the enforcing officer may cause such structure to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has

been made to conform to the law.

- (e) *Notice--Generally.* Notice of the declaration of any building under this article as unfit for human occupancy and the order to vacate it shall be served as provided in this article and such other codes or ordinances of the municipality pertaining to unsafe buildings.
- (f) *Same--Posting.* Any structure declared as unfit for human occupancy shall be posted with a placard by the building official. The placard shall include the following:
 - (1) The name of the city;
 - (2) The name of the authorized department having jurisdiction;
 - (3) The chapter and section of the code under which it is issued;
 - (4) An order that the structure, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
 - (5) The date that the placard is posted; and
 - (6) A statement of the penalty for defacing or removing the placard.
- (g) *Same--Form.* Whenever the enforcing officer has declared a structure as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the structure as unfit for human occupancy. Such notice shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the reasons why it is being issued;
 - (4) State the time to correct the conditions; and
 - (5) State the time the occupants must vacate the structure.
- (h) *Same--Service.* Service of notice to vacate shall be as follows:
 - (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
 - (2) By certified or registered mail addressed to the owner at his last known address, with postage prepaid thereon; or
 - (3) By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated
- (i) *Same--Unauthorized removal of placard or notice.* A person shall not deface or remove the placard from any structure which has been declared or placarded as unfit for human habitation, except by authority in writing from the enforcing officer.
- (j) *Vacating of placarded building.* Any structure which has been declared and placarded as unfit for human occupancy by the enforcing officer shall be vacated

within a reasonable time as required by the enforcing officer, and it shall be unlawful for any owner or operator to let any person continue to occupy or reside in structure, and a person shall not occupy any structure which has been declared or placarded by the enforcing officer as unfit for human occupancy after the date set forth in the placard.

- (k) *Written approval for occupancy of building.* A structure which has been declared or placarded as unfit for human occupancy shall not again be used for human occupancy until written approval is secured from the enforcing officer. The enforcing officer shall remove such placard whenever the defects upon which the declaration and placarding action were based have been eliminated.
- (l) *Furnishing copies of notice to other city departments or officials.* The enforcing officer may furnish a copy of each notice to vacate a building to the police department, fire department and any other designated official of the city concerned therewith.

(Ord. No 862)

Sec. 14-4.2. Violations.

- (a) *Notice--Service.* Notice of violation shall be served upon the owner of record; provided, that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if he is not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place or on or about the structure affected by the notice.
- (b) *Same--Contents.* Whenever the enforcing officer determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation, of any provision of this article he shall give notice of such violation or alleged violation to the person responsible therefor. Such notice shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Specify the violation which exists and the remedial action required; and
 - (4) Allow a reasonable time for the performance of any act it requires.
- (c) *Same--Noncompliance; legal action or proceeding.* In case any notice of violation is not complied with within the time set forth in the notice, the enforcing officer may request the city attorney to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:
 - (1) To restrain, correct or remove the violation or refrain from any further execution of work;
 - (2) To restrain or correct the erection, installation or alteration of such building;
 - (3) To require the removal or work in violation;

- (4) To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this article, or in violation of a plan or specification under which an approval, permit or certificate was issued;
 - (5) To comply with the penalty provisions of this article; or
 - (6) To pay the attorney fees and costs incurred by the city with respect to the action or proceeding at law or in equity and the administrative expense incurred by the city in efforts to enforce the notice of violation.
- (d) *Penalties.* Each violation of any provision of this article shall be a misdemeanor and shall be punishable by the penalties set forth in section 1-10 of this Code, and shall be subject to the nuisance proceedings referred to in such section.

(Ord. No. 862; Ord. No. 1080, 3-31-93)

Sec. 14-4.3. Appeals.

(a) *Administrative variance.*

- (1) *Ceiling height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing ceiling height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:
 - a. An inspection of the property reveals that it fully complies with this Code (except as to ceiling height) including light and ventilation requirements and floor area to height ratio requirements;
 - b. The smoke detectors at the property are hardwired and do not rely on batteries for a power source;
 - c. Any ceiling light fixtures in the rooms covered by the variance request are recessed;
 - d. The applicant does not request a variance greater than three (3) inches from the ceiling height requirements under this Code.
- (2) *Guardrail height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing guardrail height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:
 - a. An inspection of the property reveals that it fully complies with this Code (except as to guardrail height);
 - b. The surface area below and/or immediately adjacent to the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not hard surfaced; that is, it shall not be a surface created out of asphalt, concrete, gravel, wood, or other hard surface material;
 - c. The guardrail for which the variance is sought is at least twenty-four (24) inches in height or more;
 - d. The general pattern of traffic on the balcony, deck, landing, porch,

stair or walking surface is not right along the portion of the balcony, deck, landing, porch, stair or walking surface where the guardrail for which the variance is sought is located;

- e. The surface area of the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not more than six (6) feet directly above the floor, grade, ground or surface area below, measured perpendicularly; and

- f. Spindle spacing and handrail height requirements set forth in this Code are complied with.

ORD # 1480
AMENDED

- (b) *Appeals.* Any owner or person who is aggrieved by the ruling or decision of the enforcing officer in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the housing-property maintenance code may appeal the decision or interpretation.

- (c) *Filing.* Such appeal must be filed with the appropriate authority in writing, within ten (10) days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the city has commenced prosecution proceedings pursuant to section 14-2(c).

- (d) *Decision; appeal board.* The appeal shall be decided by the following method of procedure:

- (1) The city may appoint and establish an appeal board of five (5) regular members, who shall have the duty, responsibility and authority to decide the matters referred to them. In addition to the five (5) regular members, the city may appoint two (2) alternate members to the appeals board, who shall serve in the absence of regular members, pursuant to the rules and regulations adopted in accordance with section 14-4.40.
- (2) The appeal board shall hold a public hearing to hear evidence of violations from the enforcing officer and the appellant. The appellant shall attend in person or may be represented by legal counsel.
- (3) The appeal board shall render its decision not more than sixty (60) days after the conclusion of the hearing. The decision of the appeal board shall include findings of fact and conclusions of law based upon the evidence presented by the enforcing officer and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before the appeal board.
- (4) The appeal board shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the enforcing officer. The appeal board shall also have the authority and jurisdiction to grant a variance from the requirements of this chapter for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The appeal board shall not have the authority to grant a variance from any of the requirements of this chapter unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The appeal board may not grant a variance from or waive

any fees or late charges.

(Ord. No. 862; Ord. No. 963, 9-21-88; Ord. No. 1124, 9-21-94; Ord. No. 1201, 10-1-97)

Sec. 14-4.4. Severability; saving clause.

- (a) *Severability.* If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall continue in full force and effect, and to this end the provisions of this article are hereby declared to be severable.
- (b) *Saving clause.* This article shall not affect violations of any other ordinance, Code or regulation of the city existing prior to March 13, 1985, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(Ord. No. 862)

DIVISION 2. DEFINITIONS

Sec. 14-4.5. Generally.

- (a) *Scope.* Unless otherwise expressly stated, the terms listed in this division shall, for the purposes of this article, have the meanings indicated.
- (b) *Tense; gender; number.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.
- (c) *Terms defined in other codes.* Where terms are not defined in this article and are defined in building, plumbing or mechanical codes, they shall have the same meanings ascribed to them in those codes.
- (d) *Terms not defined.* Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings, such as the context may imply.

(Ord. No. 862)

Sec. 14-4.6. Words and phrases defined.

For the purposes of this article, and in accordance with section 14-4.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Approved. As applied to a material, device or method of construction, approved by the Code official under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

Basement. That portion of a building which is partly or completely below grade.

Building Code. The Building Code officially adopted by the city for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy

and maintenance of buildings and structures.

Building official. The director of the department of environmental health of the city, or his duly authorized representative.

Central heating. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

Code official. The official who is charged with the administration and enforcement of this article, or any duly authorized representative.

Condemn. To adjudge unfit for use or occupancy.

Condemnation. The act of judicially condemning.

Dwellings.

- (a) *Boardinghouse.* A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.
- (b) *Dormitory.* A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one room or in a series of closely associated rooms.
- (c) *Hotel.* Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests.
- (d) *Multi-family apartment house.* A building or portion thereof containing more than two dwelling units as a one-or two-family dwelling
- (e) *One-family dwelling.* A building containing one dwelling unit with not more than five lodgers or boarders.
- (f) *Two-family dwelling.* A building containing two dwelling units with not more than five lodgers or boarders per family.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation

Enforcing officer. The director of the department of environmental health of the city, or his duly authorized representative.

Exterior property areas. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating or trapping; or by any other approved pest elimination methods.

Family. An individual or married couple and the children thereof, with not more than two other persons related directly to the individual or married couple by blood or marriage, or a group of not more than five unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Hotel. See "dwellings "

Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

Inventory checklist. Such written itemization of the condition of a dwelling unit as required by the Security Deposit Act, Michigan Statutes Annotated, section 26.1138(1) et seq.

Let for occupancy or let. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person, who shall be the legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.

Maintenance. Acts of repair and other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this article and other applicable statutes, codes and ordinances.

Motel. A hotel as defined in this section.

Multi-family (multiple) dwellings. See "dwellings."

Occupant. Any person having the right of possession or use of any premises, building or structure

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner/ownership. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. For the purposes of this article, ownership shall be presumed to be by the designated person or entity listed on the tax rolls maintained by the city for a structure or building, unless the enforcing officer is otherwise notified in writing.

Person. A person or other entity capable of owning a dwelling pursuant to the laws of the state.

Plumbing. The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the Plumbing Code.

Plumbing fixture. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a

supply of water therefrom, or discharges used water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

Public nuisance. "Public nuisance" includes the following:

- (a) The physical condition or use of any premises regarded as a public nuisance at common law; or
- (b) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
- (c) Any premises which has unsanitary sewerage or plumbing facilities; or
- (d) Any premises designated as unsafe for human habitation or use; or
- (e) Any premises which is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure as to endanger life, limb or property; or
- (f) Any premises from which the plumbing, heating and/or other facilities required by this article have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or where the required precautions against trespassers have not been provided; or
- (g) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
- (h) Any structure or building that is in a state of dilapidation, deterioration or decay or contains faulty construction; is overcrowded; is open, vacant or abandoned; is damaged by fire to the extent as not to provide shelter; or is in danger of collapse or failure and dangerous to anyone on or near the premises.

Recreation room. A room, space, or area in a basement that meets the requirements for habitable space, and is used for purposes other than sleeping

Renovation. The act of making a building and its facilities conform to present day minimum standards of sanitation, fire and life safety.

Residential building. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided, except when classified as an institution under the building code.

Rooming house. Any residential building, or any part thereof, containing one (1) or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of a family (see "dwellings, boardinghouse").

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage, and including the residue from the burning of wood, coal, coke and other combustible

materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Structure. That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy of use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Supplied. Installed, furnished or provided by the owner or operator.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

(a) *Mechanical.* Ventilation by power-driven devices.

(b) *Natural.* Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this article, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Yard. An open, unoccupied space on the same lot with a building extending along the entire length of street or rear or interior lot line

(Ord. No. 862; Ord. No. 1023, 7-10-91)

Sec. 14-4.6-1. Additional definitions of words and phrases.

For purposes of this article and in accordance with section 14-4 5, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Bathing room. A room with a bathtub or shower and with a latching door so as to give privacy to a person in the room.

Bathroom. A room with a bathtub or shower, toilet, sink and with a latching door so as to give privacy to a person in the room.

Major violation. A major violation means any violation of the provisions of this article or any code adopted by the city which poses a hazard or risk to the health and safety of the occupants of a dwelling unit, including any violation that substantially affects the habitability of the dwelling unit.

Minor violation. A minor violation means any violation of this article which is not deemed a major violation.

Toilet room. A room with a toilet/water closet and with a latching door so as to give privacy to a person in the room. A toilet room must either contain within the room a sink supplied with hot and cold running water or such a sink must be located in close proximity to the exterior of the room.

Washroom. A room with a toilet, sink and with a latching door so as to give privacy to a person in the room.

(Ord. No. 961, 9-21-88; Ord. No. 1201, 10-1-97)

DIVISION 3. ENVIRONMENTAL REQUIREMENTS

Sec. 14-4.7. Generally.

All properties covered by this article, whether or not occupied, shall be maintained in a clean, safe, secure and sanitary condition, so as not to cause a blighting problem or to adversely affect the public health or safety.

Violations of this article causing a blighting problem or adversely affecting the public health or safety shall be violations of one (1) or more of the sections of this division.

(Ord. No. 862)

Sec. 14-4.8. Exterior premises.

- (a) *Sanitation.* All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from the accumulation of rubbish and garbage.
- (b) *Containers.* Occupants shall store all garbage, vegetable wastes or other organic materials which can rot and produce odors in leakproof, approved containers in accordance with section 27-5 of this Code.
- (c) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. "Stagnant water" is defined as any accumulation that has not dispersed within seven (7) days of the last recorded rainfall. Water retention areas and/or reservoirs approved by the code official are exceptions to this subsection.
- (d) *Pest control.* All exterior property and premises shall be kept free of circumstances which are harboring infestations of rodents or insects.
- (e) *Accessory structures.* All accessory structures shall be maintained structurally sound and in good repair, so as to avoid a risk to public safety.
- (f) *Fences and walls.* All fences and retaining walls shall be maintained structurally sound and in good repair, so as to avoid an imminent risk to public safety.
- (g) *Open fires.* Open fires shall be prohibited, except as specifically approved by the fire official.

(Ord. No. 862)

Sec. 14-4.9. Exterior structure.

- (a) *Generally.* The exterior of all structures shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment.
- (b) *Street numbers.* Each structure to which a street number has been assigned

shall have the number so assigned displayed in a position easily observed and readable from the public right-of-way.

- (c) *Structural members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- (d) *Exterior surfaces.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.
- (e) *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- (f) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
- (g) *Roofs and drainage.* The roof shall be structurally sound and tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building.
- (h) *Decorative features and accessories.* All cornices, entablatures, belt courses, corbels, terracotta trim, wall facings, canopies, awnings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (i) *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weatherproofing materials.
- (j) *Stairs and porches.* Every stair, porch, fire escape, balcony and railings and other appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.

Every flight of stairs which is more than four (4) risers high shall have handrails, which shall be located as required by the building code, and every open portion of a stair, landing or balcony which is more than thirty (30) inches above the floor or grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than thirty-eight (38) inches high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than thirty (30) inches high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Intermediate rails shall be located as required by the building code. Handrails that form part of a guardrail shall have a height of not less than thirty-four (34) inches and not more than forty-two (42) inches.

- (k) *Common areas.* Common stairs, porches, fire escapes and railings shared by three (3) or more units shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.
- (l) *Window frames and door frames.* Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
- (m) *Windows and doors.* Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair. Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
- (n) *Openable windows.* At least one (1) window in each habitable room shall be capable of being easily opened. All openable windows shall be provided with window hardware capable of tightly securing the window.
- (o) *Insect screens.* During that period of time from May 15 to October 15, at least one (1) openable window in each habitable room shall be supplied with approved tight fitting screens of not less than sixteen (16) mesh per inch. Screen doors where provided, or if required to meet minimum standards of ventilation, shall also be supplied with tight fitting screens of not less than sixteen (16) mesh per inch.
- (p) *Door hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.
- (q) *Basement hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
- (r) *Basement windows.* Every basement window which is openable shall be supplied with shields, storm windows or other material affording protection against the entry of rodents.

(Ord. No. 862; Ord. No. 1021, 7-10-91)

Sec. 14-4.10. Interior structure.

- (a) *Generally.* The interior of a structure shall be maintained in good repair, structurally sound and in a sanitary condition, so as not to pose a threat to the health, safety or welfare of the occupants and to protect the occupants from the environment.
- (b) *Structural members.* The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads. For the purposes of this section, a structural member means any part of a building which provides the principal strength, stability, integrity, shape and safety to the building including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other

components essential to the strength, stability, integrity, shape and safety of the building.

- (c) *Interior surfaces.* Floors, walls (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Excessively peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be repaired.
- (d) *Lead based paint.* Lead based paint with a lead content of more than one-half ($1/2$) percent shall not be applied to any interior or exterior surface of a dwelling unit, including fences and accessory structures. Existing interior and exterior painted surfaces of dwelling units that contain an excess of one-half ($1/2$) percent lead shall be removed or covered with paneling or other suitable covering approved by the enforcing officer.
- (e) *Bathrooms, etc.* Every bathing room, bathroom, toilet room and washroom surface shall be constructed and maintained to prevent the retention of moisture and to avoid the penetration of water to lower levels of the structure, and so as to permit such floor to be easily kept in a clean, sanitary condition. Every toilet shall be enclosed in a bathroom, toilet room or washroom as those terms are defined in section 14-4 6-1.
- (f) *Dampness* In every building, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.
- (g) *Sanitation* The interior of every structure and common areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage
- (h) *Pest control* The interior of all structures shall be kept free of circumstances which are [conductive to] harboring an infestation of insects or rodents. Infestations, when found, shall be promptly treated for the elimination thereof by a treatment program approved by the enforcing officer. Regular treatments shall continue until the infestation is eliminated. If the treatment program proves ineffective within a reasonable period of time, the enforcing officer may require the use of a more effective treatment program. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation
- (i) *Exit doors* Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.
- (j) *Stairs, porches and railings.* Stairs and other exit facilities shall be adequate for safety as provided in the building code.
- (k) *Exit facilities.* All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair, so as to be safe to use and capable of supporting the anticipated loads.
- (l) *Handrails and guardrails.* Every flight of stairs which is more than four (4) risers high shall have handrails which shall be located as required by the building code, and every open portion of a balcony, deck, landing, porch, stair or walking surface which is more than thirty (30) inches above the floor or grade below shall have guardrails. Handrails shall be not less than thirty (30) inches nor more than

thirty-eight (38) inches high, measured vertically above the nosing of the tread or above the surface of each stair upon which the handrail is located. Guardrails shall be not less than thirty (30) inches high, measured vertically above the nosing of the tread or above the floor of the balcony, deck, landing, porch, stair or walking surface upon which the guardrail is located. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Intermediate rails shall be located as required by the building code. Handrails that form part of a guardrail shall have a height of not less than thirty-four (34) inches and not more than forty-two (42) inches.

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1201, 10-1-97)

DIVISION 4. LIGHT, VENTILATION AND SPACE REQUIREMENTS

Sec. 14-4.11. Generally.

- (a) *Scope.* All properties covered by this article shall meet minimum standards for the light, ventilation and space for the occupancy of a structure.
- (b) *Evidence.* Evidence of a violation of minimum standards for the light, ventilation and space requirements of structures shall be a violation of one (1) or more of the sections of this division.

(Ord. No. 862)

Sec. 14-4.12. Light.

- (a) *Habitable rooms.* Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room, except in kitchens, when artificial light may be provided in accordance with the provisions of the Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. For the purposes of determining minimum lighting requirements, skylight areas shall be considered equivalent to window areas.

(Ord. No. 862)

Sec. 14-4.13. Ventilation.

- (a) *Habitable rooms.* Every habitable room shall have at least one window which can be easily opened or such other device as may be permitted under the Building Code, as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five percent of the minimum area size required for lighting in this article.
- (b) *Bathrooms.* Every bathroom and water closet compartment shall comply with the ventilation requirements for habitable spaces as required by this article; except,

that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or water closet compartment must be exhausted to the exterior and may not be recirculated to any space, including the space from which it is withdrawn.

- (c) *Cooking facilities.* Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.
- (d) *Mechanical ventilation.* Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilation system shall be maintained in operation during the occupancy of any structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.
- (e) *Clothes dryer exhaust.* Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

(Ord. No. 862)

Sec. 14-4.14. Dwelling units.

- (a) *Separation of units.* Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.
- (b) *Privacy.* Dwellings shall be designed to provide privacy and be separate from other adjoining spaces.
- (c) *Common access.* A habitable space, bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a room used for public purposes.
- (d) *Below grade rooms.* Rooms partially or completely below grade shall not be used as sleeping space, unless:
 - (1) Floors and walls are water-tight, so as to prevent entry of moisture;
 - (2) Total window area, total openable window area and ceiling height are in accordance with this article;
 - (3) Required minimum window area of every habitable space is entirely above the grade adjoining such window area; and
 - (4) Means of egress and emergency escape are provided in accordance with this article.

(Ord. No. 862)

Sec. 14-4.15. Space requirements generally.

- (a) *Prohibited use for sleeping purposes.* It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.

- (b) *Minimum area for sleeping purposes.* Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor area for each occupant.
- (c) *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area required by the following table:

*Minimum Occupancy Area
(in square feet)*

TABLE INSET:

Space	1-2 Occupant s	3-5 Occupant s	6 or More Occupant s
Living room	None req	120	150
Dining room	None req	80	100
Kitchen	50	50	60
Bedroom s	50 per occupant, with minimum of 70 for one occupant		

- (d) *Combined spaces.* Combined living room/dining room spaces and/or combined kitchen/dining room spaces will be construed as meeting the requirements of the above table if the total area is equal to that required for separate rooms and if the space is so located that it may practically function as a combination of the two (2) rooms
- (e) *Bathrooms.* Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom.
- (f) *Minimum ceiling heights.* Habitable (spaces) rooms, hallways, corridors and habitable basements shall have a ceiling height of not less than seven (7) feet (2,134 mm) measured to the lowest projection from the ceiling, except that in attics or top half stories the ceiling height shall be not less than seven (7) feet over not less than one-third ($1/3$) of the minimum area required by this Code when used for sleeping, studying, or similar activity. In calculating the floor area of attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.
- (g) *Minimum room widths.* Every habitable space shall have a clear room width of not less than seven (7) feet; provided, that kitchens shall require a clear passage of not less than three (3) feet between counters, appliances and/or walls.

(Ord. No. 862; Ord No 1021, 7-10-91; Ord No 1263, 9-15-99)

Sec 14-4.3
Ord # 148

DIVISION 5. PLUMBING REQUIREMENTS

Sec. 14-4.16. Fixtures and facilities.

- (A) *Slop.* This section covers the basic plumbing facilities and fixtures requirements

for dwellings covered by this division.

- (b) *Evidence of inadequate plumbing.* Evidence of inadequate plumbing facilities or fixtures shall be a violation of one (1) or more of the subsections of this section.
- (c) *Requirement for dwelling units.* Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy and are adequate for personal cleanliness and the disposal of human waste, and which shall be supplied and maintained in a sanitary, safe working condition.
- (d) *Water closet and lavatory.* Every dwelling unit shall contain within its walls a room separate from habitable spaces, which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room in close proximity to the door leading directly into the room in which such water closet is located. The lavatory shall be supplied with hot and cold running water.
- (e) *Bathtub and shower.* Every dwelling unit shall contain a room which affords privacy to a person in such room and which is equipped with a bathtub or shower supplied with hot and cold running water.
- (f) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory required under this article, and such sink shall be supplied with hot and cold running water.
- (g) *Requirement for rooming houses.* At least one (1) closet, lavatory basin and bathtub or shower properly connected to an approved water sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house, wherever such facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (h) *Privacy.* Toilet rooms and bathrooms shall be designed and arranged to provide privacy.
- (i) *Direct access.* Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. At least one (1) toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.
- (j) *Accessibility in rooming houses, etc.* Toilet rooms and bathrooms serving rooming houses or dormitory units, unless located with such respective units or directly connected thereto, shall be provided on the same story with such units and be accessible only from a common hallway or passageway.
- (k) *Maintenance and construction of fixtures.* All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of approved nonabsorbent material.
- (l) *Connecting generally.* Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstruction, leaks and defects and capable of performing the function for which they are designed. All installations shall be in accordance with the provisions of the building code or plumbing code.
- (m) *Sanitary maintenance.* All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant, so as not to breed insects and rodents or

produce dangerous or offensive gases or odors.

- (n) *Access for cleaning.* Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area about it.
- (o) *Connections to water system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
- (p) *Protection of water supply from contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture. Protection against backsiphonage must be provided for the water system.
- (q) *Adequate water supply.* The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
- (r) *Water heating facilities.* Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water and be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar unit, at a temperature of not less than one hundred (100) degrees Fahrenheit.
- (s) *Connections to sewage system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- (t) *Maintenance of plumbing stacks and waste and sewer lines.* Every plumbing stack and waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All installations shall be made in accordance with the provisions of the Building Code or Plumbing Code.

(Ord. No. 862)

DIVISION 6. MECHANICAL REQUIREMENTS

Sec. 14-4.17. Generally.

This division covers the basic mechanical requirements of dwellings covered by this article

- (a) *Evidence of inadequate mechanical facilities.* Evidence of inadequate mechanical facilities shall be a violation of one (1) or more of the subsections of this section.
- (b) *Heating system.* Every structure shall be provided with a heating system capable of providing sufficient heat to all habitable rooms, bathing rooms, bathrooms, toilet rooms or washrooms and, in fact, operating during the hours that the area is occupied and required to be heated. "Sufficient heat" shall be defined as a room temperature of no less than sixty-five (65) degrees, as measured at a point

three (3) feet above the floor and three (3) feet from existing walls, from September 15 to May 15. In the event exterior temperatures fall below zero (0) degrees Fahrenheit and the heating system is operating at full capacity, "sufficient heat" shall be defined as a room temperature of not less than sixty (60) degrees Fahrenheit.

- (c) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions and kept functioning properly, so as to be free from fire, health and accident hazards. All installations shall be made in accordance with the provisions of the building code or other laws or ordinances applicable thereto.
- (d) *Installation and maintenance of mechanical equipment.* All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.
- (e) *Chimney, flue or vent.* All fuel-burning equipment shall be connected to an approved chimney, flue or vent.
- (f) *Clearances to combustible materials.* All required clearances to combustible materials shall be maintained.
- (g) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.
- (h) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
- (i) *Unauthorized devices.* Devices purporting to reduce gas consumption by attachment to a gas appliance, to the gas supply line thereto or to the vent outlet or vent piping therefrom shall not be used, unless approved by a nationally recognized testing laboratory for such use and unless the installation is specifically approved by the enforcing officer.
- (j) *Fireplaces, etc.* Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.
- (k) *Climate control.* When facilities for interior climate control (heating, cooling and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.
- (l) *Elevators--Maintenance.* Elevators shall be maintained to safely sustain the loads to which they are subject, to operate properly and to be free of physical and fire hazards.
- (m) *Same--Operation.* In buildings equipped with elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied, unless temporarily out of service for testing and servicing.

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1201, 10-1-97)

DIVISION 7. FIRE SAFETY REQUIREMENTS

Sec. 14-4.18. Generally.

- (a) *Scope.* All properties covered by this article shall meet the minimum standards for fire safety, facilities and equipment as contained in this division.
- (b) *Evidence of violations.* Evidence of a violation of the minimum standards for fire safety facilities and equipment requirements of a structure shall be a violation of one (1) or more of the sections of this division.

(Ord. No. 862)

Sec. 14-4.19. Means of egress.

- (a) *Generally.* A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court or passageway leading to a public open area at grade.
- (b) *Direct exit.* Every dwelling unit or guest room shall have access directly to the outside or to an exit access corridor that leads directly to the outside.
- (c) *Locked doors prohibited.* All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging houses and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.
- (d) *Fire escapes.* All required and all existing fire escapes shall be maintained in working condition and structurally sound.
- (e) *Exit signs.* All exit signs shall be maintained illuminated and visible.
- (f) *Dual egress.* Every residential building (except for one- and two-family dwellings) exceeding two (2) stories in height above grade; not counting basements, shall be provided with not less than two (2) approved independent exits from each floor above the second floor, fully accessible from each occupancy on the floor.
- (g) *Exception.* Reserved
- (h) *Emergency escape from basement rooms.* Every sleeping room located in a basement shall have at least one (1) openable window or exterior door approved for emergency egress or rescue, or shall have access to two (2) approved independent exits.

(Ord. No. 862; Ord. No. 1021, 7-10-91; Ord. No. 1022, 7-10-91)

Sec. 14-4.20. Accumulations and storage.

- (a) *Accumulations in stairways, doors, etc.* Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- (b) *Explosive or flammable matter.* Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential

premises, except in reasonable quantities consistent with normal usage.

- (c) *Prohibited location of residential units.* A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Centigrade) or lower, except as provided for in the Building Code.

(Ord. No. 862)

Sec. 14-4.21. Fire resistance ratings.

Floors, walls, ceilings and other elements and components required to develop a fire resistance rating shall be maintained, so that the respective fire resistance rating of the enclosure, separation or construction is preserved.

(Ord. No. 862)

Sec. 14-4.22. Fire protection systems and equipment.

- (a) *Generally.* All fire protection systems and equipment shall be maintained in proper operating condition at all times.
- (b) *Fire alarms.* Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.
- (c) *Fire suppression systems.* Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint and not bent or damaged.
- (d) *Standpipe systems.* Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry and free of deterioration.
- (e) *Fire extinguishers.* All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.
- (f) *Hardwired smoke detectors.* Single- and multiple-station hardwired smoke detectors shall be installed and maintained in accordance with the manufacturer's installation specifications in the vicinity of all bedrooms and on each level within a dwelling unit, including basements. Single- and multiple-station hardwired smoke detectors shall not be required in dwelling units which are equipped throughout with an automatic residential sprinkler system. In addition to their required AC primary power source, all hardwired smoke detectors in all dwelling units shall have battery backup capabilities. The batteries shall be properly installed for use at all times so that the hardwired smoke detectors are usable when the AC primary power source is interrupted.
- (g) *Multiple detectors.* Where more than one (1) hardwired detector is required to be installed, the detector shall be wired in such a manner that the activation of one (1) alarm will activate all of the alarms in the dwelling unit.

(Ord. No. 862; Ord. No. 1201, 10-1-97)

Sec. 14-4.23. Fire doors.

All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

(Ord. No. 862)

DIVISION 8. ELECTRICAL REQUIREMENTS

Sec. 14-4.24. Generally.

- (a) *Scope.* This division covers the basic electrical wiring requirements for dwellings covered by this article.
- (b) *Evidence of inadequate wiring.* Evidence of inadequate electrical wiring of a dwelling covered by this article shall be a violation of one (1) or more of the subsections of this section.
- (c) *Entrances and exits.* Entrances and exits shall be provided with illumination by exterior lighting outlets. Lighting outlets shall be controlled by interior wall switches, located for convenient and readily accessible use.
- (d) *Living rooms.* Living rooms shall be provided with convenient duplex electrical receptacle outlets around the room, with at least one (1) duplex electrical outlet on each wall and a second duplex electrical outlet on each wall exceeding fourteen (14) feet in length.
- (e) *Kitchens.* Kitchens shall be provided with either a wall or ceiling mounted light fixture, controlled by a wall switch, located for convenient and readily accessible use, nearest to the entrance to the room. Kitchens shall be provided with at least two (2) duplex electrical outlets, one (1) of which shall be adequate for operation of a refrigerator. Kitchens shall be provided with either gas service or an electrical circuit adequate for operation of a stove. Kitchens shall be provided with two (2) small appliance circuits with a minimum of two (2) grounding type duplex electrical outlets, both of which shall be a minimum of thirty (30) inches above the floor. In lieu of grounding type duplex electrical outlets, ground fault interrupter circuits may be used. Any new circuits for appliances shall be a minimum of twenty (20) ampere capacity.
- (f) *Bathrooms, washrooms, etc.* Bathing rooms, bathrooms, toilet rooms and washrooms shall be provided with a wall or ceiling mounted lighting fixture, controlled by a wall switch. Bathrooms, toilet rooms which contain a sink, and washrooms shall be provided with one (1) or more grounding type duplex electrical outlet(s), which shall be at least thirty (30) inches above the floor, adjacent to the sink, and shall have a ground fault circuit interrupter.
- (g) *Habitable rooms.* Habitable rooms shall be provided with convenient duplex receptacle outlets around the room, with a minimum of two (2) duplex receptacle outlets on separate walls. Any wall or ceiling mounted lighting fixtures shall be controlled by a wall switch located for convenient and readily accessible use, nearest the entrance to the room.
- (h) *Basements.* Basements shall be provided with a minimum of one (1) lighting fixture for each three (3) hundred square feet of area or major fraction thereof. Each separate room of the basement shall have a minimum of one (1) lighting

fixture. Basements shall have one (1) or more ground fault circuit interrupter receptacles.

- (i) *Laundry areas.* Laundry areas shall be provided with a minimum of one (1) lighting fixture. Laundry areas shall be provided with a separate circuit with a grounding type receptacle outlet suitable for use of laundry appliances. In lieu of a grounding type receptacle outlet, a ground fault interrupter circuit may be used. If provided, a separate electrical circuit shall be adequate for the operation of an electrical dryer.
- (j) *Heating equipment.* Heating equipment, furnaces or heating systems requiring electrical energy for operation or control shall be provided with a separate grounded circuit. A disconnect switch shall be provided on or adjacent to the unit. Every furnace room shall be provided with a minimum of one (1) lighting fixture.
- (k) *Stairways and halls--Generally.* Hallways, stairways and/or each stair section shall be provided with lighting outlets controlled by wall switches located for convenient and readily accessible use. Switches shall not be located where it is necessary to use a darkened stair or stair section for their operation. All stairwells with six (6) steps or more shall be provided with multiple switch control, one (1) at the head and one (1) at the foot of the stairway.
- (l) *Same--Common stairways and hallways.* Common stairways and hallways which are shared by four (4) or more units shall be illuminated at all times with a minimum of five (5) lumens per square foot in the darkest portion of the normally travelled stairs and hallways.
- (m) *Service.* Service to existing residences shall be at least three-wire, one hundred (100) ampere capacity. Service equipment shall be dead front. Type "S" fuses shall be installed where fusible equipment is used.

If the existing service does not comply with the above and it is then necessary to increase service or change service equipment, the service shall be increased to a minimum of one hundred (100) amperes.

- (n) *Existing wiring and electrical equipment.* Existing wiring and electrical equipment shall be maintained and used as originally listed and designed to be used. All new wiring and electrical equipment used to replace existing inadequate wiring shall comply with the National Electrical Code (NEC) and all provisions of this article. Illegal or unapproved extensions to the wiring system in order to provide light, heat or power shall be evidence of an inadequate wiring system.

(Ord. No. 862; Ord. No. 1201, 10-1-97)

DIVISION 9. MAINTENANCE RESPONSIBILITY

Sec. 14-4.25. Generally.

- (a) *Scope.* The provisions of this division shall identify the person responsible for the maintenance of structures, and the equipment and premises thereof.
- (b) *Determination of person in violation.* A person may be determined to be in violation of this article if deemed to be a person responsible, under the following subsections of this section, for a property which is in violation of any of the

provisions of this article.

- (c) *Occupant.* When it can be established to the satisfaction of the enforcing officer that the occupant has caused, or permitted to occur, a circumstance which results in a property being in violation of one (1) or more of the provisions of this article, that occupant shall be deemed the person responsible for the property being in violation of this article. The Code official may use an applicable inventory checklist in making a determination as to the responsible party.
- (d) *Owner--Generally.* In all events where a circumstance exists which results in the property being in violation of one (1) or more provisions of this article, the owner shall be deemed the person responsible for the property being in violation of this article.
- (e) *Same--Additional responsibility.* In any event where an occupant shall be deemed the person responsible for the property being in violation of this article, the enforcing officer shall promptly notify the owner of the property of the determination of responsibility. The owner shall cause the occupant to cure the violations of this article. In the event the occupant shall fail to cure the violations of this article, the owner may take such action as shall be permitted by state law. If, within thirty (30) days after being notified by the enforcing officer, the owner has neither caused the occupant to cure the violations nor commenced action to evict the occupant, the owner shall be deemed the responsible person for the property being in violation of this article. The fact that an owner becomes a person responsible for the property being in violation of this article under this subsection does not release the occupant from liability as a responsible person pursuant to this article.
- (f) *Imminent risk.* In any event where the occupant is the person responsible for the property being in violation of this article, but there is an imminent risk to the health or safety of the public or of an occupant other than the person responsible for the property being in violation of this article, the owner shall promptly cure the defect on behalf of the responsible occupant. Such action on the part of the owner does not release the occupant of responsibility under this article. The owner may demand restitution from the responsible occupant for the cost of curing the violation of this article.
- (g) *City not responsible for cost reimbursement to owner.* Notwithstanding the foregoing provisions of this section, neither the city nor its enforcing officer and officials shall be responsible to prosecute and enforce the provisions of this article relating to monetary payments, restitution or reimbursement by a responsible occupant to an owner.

(Ord No. 862)

DIVISION 10. REGISTRATION OF RENTAL DWELLINGS

Sec. 14-4.26. Required.

All dwellings, as defined by this article, which are leased or otherwise made available for rental purposes shall be registered by the owner with the department of environmental health of the city.

(Ord. No. 875)

Sec. 14-4.27. Time periods for registration.

- (a) All existing rental dwellings shall be registered within ninety (90) days of July 31, 1985.
- (b) All newly constructed or newly converted rental dwellings shall be registered within thirty (30) days of the issuance of the certificate of occupancy by the city.
- (c) A rental dwelling which is sold, transferred or conveyed shall be re-registered by the new owner within thirty (30) days of the date of the deed, land contract or other instrument of conveyance.
- (d) All existing nonrental dwellings which are converted to rental dwellings without issuance of a certificate of occupancy shall be registered within thirty (30) days from the date on which the property is first occupied for rental purposes.

(Ord. No. 875; Ord. No. 922, 4-1-87)

Sec. 14-4.28. Required information.

The owner of a rental dwelling shall submit the following information to the department of environmental health on forms prescribed by the department:

- (a) The address of the rental dwelling;
- (b) The number of rental units within the structure;
- (c) The name, residence address, business telephone and home telephone of the owner;
- (d) The name, residence address, business address and business telephone of the responsible agent designated by the owner; and
- (e) The date of registration of the rental dwelling.

(Ord. No. 875)

Sec. 14-4.29. Fee; administrative late charge.

No registration fee shall be assessed to the owner of a rental dwelling by the city if registration complies with the provisions of this division. An administrative late charge as established by a resolution adopted by city council per dwelling unit, boarding house, dormitory, or rooming house, shall be paid by the owner if registration of a rental dwelling does not comply with the provisions of this division.

(Ord. No. 875; Ord. No. 919, 3-4-87; Ord. No. 1069, 10-7-92)

Sec. 14-4.30. Incorrect and outdated registration information.

An owner who fails to provide correct or current registration information shall be in violation of the provisions of this division.

(Ord. No. 875)

Sec. 14-4.31. Penalties.

A violation of this division shall be deemed a misdemeanor and shall be subject to the penalty provisions of section 1-10 of this code. In addition to the fine and costs imposed for violation of this division, the owner shall pay the administrative late charge prescribed in section 14-4 29.

(Ord. No. 875)

**DIVISION 11. DUTY OF LANDLORD TO PROVIDE
UNINTERRUPTED UTILITY SERVICE**

Sec. 14-4.32. Generally.

- (a) *Preamble.* The city affirms that it is in the best interest of the residents of the city to regulate and enforce the delivery of utility service to tenants without interruption when rental dwelling units are serviced by a single service utility connection. This section shall be used to interpret and construe the provisions of this article with the stated purpose and intent of this preamble.
- (b) *Definitions.* The following terms shall have the meanings set forth in this subsection for the purposes of subsections (c) and (d) of this section:
 - (1) *Billed customer/tenant.* A tenant or occupant of a dwelling unit who is the customer of record for utility service for a rental of dwelling.
 - (2) *Nonbilled customer/tenant.* A tenant or occupant who is not the customer of record but who occupies a dwelling unit which receives the benefit of utility service provided to a billed customer/tenant or owner
 - (3) *Utility service.* Gas, electric, water, sewer and such other services provided by a private or municipal utility, which are necessary for the habitability of a rental dwelling.
 - (4) *Owner.* The person or entity having a legal and/or equitable interest in a rental dwelling unit.
- (c) *Duty of owner.* The owner of a rental dwelling shall contract, lease or otherwise make available utility services to nonbilled customer/tenants to be free from interruption, termination or shutoff caused by either of the following, or combinations thereof:
 - (1) A billed customer/tenant's or owner's failure to pay the amounts due for utility service; or
 - (2) An order from a billed customer/tenant or owner to voluntarily disconnect, terminate or shut off utility service
- (d) *Limitations.* The provisions of this section shall not be construed to regulate or impair the owner's ability to contract with a tenant for the delivery and payment of utility service. This section shall designate the owner as the responsible person in the event the delivery of utility service is interrupted, terminated or shut off for a nonbilled customer/tenant as a result of the provisions of subsection (c) of this section.

- (e) *Duty of tenant or occupant.* The tenant or occupant of a rental dwelling shall not tamper with or shut off a heating system which is required to be operating under the provisions of 14-4 17(b).

(Ord. No. 878; Ord. No. 1021, 7-10-91)

DIVISION 12. CERTIFICATION OF RENTAL UNITS

Sec. 14-4.33. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Rental unit. Any dwelling, dwelling unit or mobile home which is leased, made available for rental purposes, or occupied by a person(s) other than the owner (with or without monetary compensation), except:

- (a) Places of public accommodation licensed by the city under Chapter 26 of this Code.
- (b) Units required to be occupied by an employee or agent of an owner as a condition of employment (i.e., parsonages).
- (c) Any dwellings, dwelling units or mobile homes which the state has exclusive authority under state law to inspect and regulate.
- (d) The principal residence of the owner, which is temporarily occupied by a person(s) other than the owner for not more than two (2) years.
- (e) Dwellings in a dormitory operated by an institution of higher education.
- (f) Dwelling units in which an owner of such unit resides unless the nonowner occupant(s) of such dwelling unit pay rent or make other compensation to the owner for occupancy of the dwelling unit.

Responsible person. The person who is responsible for correcting all major or minor violation(s), or both, pursuant to the provisions of section 14-4.25

(Ord. No. 880; Ord. No. 962, 9-21-88; Ord. No. 1201, 10-1-97)

Sec. 14-4.34. Inspections--Generally.

- (a) The enforcing officer for the department of environmental health shall inspect rental units to secure the health, safety and welfare of the occupants and of the general public and to obtain and maintain compliance with the standards of this article. The enforcing officer shall be entitled to one (1) inspection every two (2) years of every rental unit and to inspect rental units under any of the following circumstances:
 - (1) Upon receipt of a complaint from an owner or occupant that the premises are in violation of this article.
 - (2) Upon receipt of a report or a referral from the police department, other public agency or department, or any individual indicating that the premises are in violation of this article, which report or referral is based on

- the personal knowledge of the person making the report or referral.
- (3) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this article.
 - (4) Upon the enforcing officer's receipt of information that a rental unit is not registered with the city as required by this article.
 - (5) As part of a communitywide rental unit inspection program as authorized by a resolution of the city council.
 - (6) As part of the rental certification program as required by section 14-4.36 of this article.
 - (7) In order to determine compliance with a notice or a housing order issued by the city.
 - (8) If an emergency is observed or is reasonably believed to exist.
 - (9) In accordance with requirements of law where a dwelling is to be demolished by the city or where ownership is to be transferred to the city.
 - (10) Upon the request of an owner of a rental unit for an advisory inspection.

Such inspections shall be performed in accordance with the provisions of subsection (b) of this section.

- (b) During the inspection, which shall be conducted in accordance with section 14-4 of this article, the enforcing officer shall note any violations of this article or other provisions of this Code and shall issue a housing order notice of all violations to the responsible person in accordance with subsection 14-4.2(a) and (b). The housing order shall direct the responsible person to correct major violations within the time set forth in the notice. A reasonable time for correcting major violations shall be determined by the enforcing officer in light of the nature of the violations and all relevant circumstances, but shall not exceed thirty (30) days. Upon request by the responsible person, the enforcing officer may extend the time for correcting major violations, if the enforcing officer deems such action appropriate under all relevant circumstances. The housing order shall also direct the responsible person to correct minor violations within three (3) years from the date of the inspection or prior to renewal of a rental certificate of compliance, whichever occurs first.
- (c) A responsible person who receives a housing order notice pursuant to section 14-4.2(a) and (b) of major or minor violations, or both, shall not fail to correct those violations within the time period set forth in the notice. Penalties for a violation of this subsection are set forth in subsection 14-4.2(d).

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.34-1. Same--Mechanical heating systems and appliances.

Mechanical heating systems and heating appliances shall be inspected and serviced by a licensed heating contractor in the third year following the issuance of a six-year rental certificate of compliance to the owner of the premises, unless servicing is warranted upon complaint. Mechanical heating systems and heating appliances in newly constructed dwelling units shall be inspected and serviced by a licensed heating

contractor in the sixth year following the issuance of a six-year rental certificate of compliance to the owner of the premises, unless servicing is warranted upon complaint.

(Ord. No. 1201, 10-1-97)

Sec. 14-4.35. Same--Fees; administrative late charge.

- (a) The department of environmental health shall establish a schedule of inspection fees, which shall not exceed the cost of inspecting rental units. The department of environmental health shall amend the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the city council.
- (b) The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the enforcing officer determines that such major violation does, in fact, exist. In such event, the inspection fee shall be paid by the occupant.
- (c) If the enforcing officer determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.
- (d) An administrative late charge shall be paid to the city by the person obligated to pay an inspection fee if such fee is not paid within thirty (30) days from the billing date. The amount of the administrative late fees shall be established by the department of environmental health and shall not take effect until approved by resolution of the city council.

(Ord. No. 880)

Sec. 14-4.36. Rental certificate of compliance--Generally.

- (a) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied unless the department of environmental health has issued a rental certificate of compliance or a temporary rental certificate of compliance for such rental unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date.
- (b) A property owner shall not lease, rent or otherwise allow a rental unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such unit has been denied, suspended, or has expired.
- (c) A person shall not occupy a rental unit if the enforcing officer orders that it be vacated due to major violations of this article.
- (d) The department of environmental health shall issue a six-year rental certificate of compliance to the owner of a rental unit which is determined to be in substantial compliance with this article. Substantial compliance shall mean the following:
 - (1) There are no major violations existing at the time of the most recent inspection;
 - (2) The enforcing officer did not discover any major violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued;

- (3) Any existing minor violations do not significantly affect the habitability of the rental unit or the immediate health and safety of the occupants;
 - (4) None of the minor violations have existed for more than three (3) years; and
 - (5) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.
- (e) If the enforcing officer determines that a rental unit is not in substantial compliance, then the department of environmental health shall issue a three-year rental certificate of compliance once all of the major violations have been corrected.
 - (f) A newly constructed rental unit may be issued a six-year rental certificate of compliance from the date of initial occupancy.
 - (g) At least thirty (30) days before the expiration of a rental certificate of compliance, the department of environmental health shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is re-issued in accordance with subsection 14-4.36(d) or (e), it shall have a six-year or a three-year expiration date with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

(Ord. No. 880; Ord. No. 1080, 3-31-93; Ord. No. 1201, 10-1-97)

Sec. 14-4.37. Same--Temporary certificate.

- (a) When a rental certificate of compliance is required, the department of environmental health may issue a temporary rental certificate of compliance if all of the following circumstances exist:
 - (1) The department of environmental health is unable to complete an inspection of a rental unit to verify compliance with this article prior to the expiration date of an existing rental certificate of compliance.
 - (2) The enforcing officer is not aware of any current major violations.
 - (3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises.
- (b) The department of environmental health may issue a temporary rental certificate of compliance for a newly registered rental unit.
- (c) The department of environmental health may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.
- (d) A temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. Said inspection shall be conducted within sixty (60)

days of the expiration date of a rental certificate of compliance, within sixty (60) days of the registration of a new rental unit, or within sixty (60) days of the issuance of a temporary rental certificate of compliance.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.38. Same--Suspension and expiration.

- (a) The department of environmental health may suspend a six-year or a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice issued under section 14-4.34. In such event, the enforcing officer may placard the property and order that it be vacated in accordance with the provisions of section 14-4.1. The department of environmental health shall reinstate a suspended six-year or three-year rental certificate of compliance upon a determination that all major violations are corrected and upon payment of the reinspection fees. The reinstated rental certificate of compliance shall be issued for a period of not more than three (3) years
- (b) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty (60) days after such expiration date, no person shall occupy a rental unit unless a new rental certificate of compliance has been issued. A rental unit which has not been previously certified shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.
- (c) If the department of environmental health suspends a six-year or a three-year rental certificate of compliance, or if a six-year or a three-year rental certificate of compliance has expired, then the department of environmental health shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to section 14-4.37, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations which were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s).
- (d) The department of environmental health shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefor.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.39. Housing board of appeals.

- (a) The city shall appoint and establish an appeals board pursuant to section 14-4.3. The appeals board shall be known as the housing board of appeals. In addition to the five (5) regular members, the city may appoint two (2) persons to the

housing board of appeals as alternate members, to serve in the absence of regular members, pursuant to rules and regulations adopted by the department of environmental health, as approved by resolution of the city council.

- (b) The housing board of appeals shall hear appeals from decisions of the enforcing officer and shall act upon questions relating to the administration, enforcement and interpretation of this article. The housing board of appeals shall conduct its hearings in accordance with this section and section 14-4.3 and such other sections of this Code which are not inconsistent with this section and section 14-4.3.
- (c) Any aggrieved party, including an occupant, may appeal an order issued by the enforcing officer to the housing board of appeals. The housing board of appeals shall hold a public hearing to review the decision of the enforcing officer and shall allow the enforcing officer and the aggrieved party and any other person to be heard and present evidence.
- (d) An appeal shall stay an order denying or suspending a rental certificate of compliance, unless such suspension is for a major violation. In such cases, an appeal shall not stay the suspension of the rental certificate of compliance, unless the director of the department of environmental health orders that it be stayed.

(Ord. No. 880)

Sec. 14-4.40. Rules and regulations.

The department of environmental health shall adopt rules to govern the procedures under this division and interpretation thereof. The rules shall set forth the procedures for inspections, registration of rental units, issuance of rental certificates of compliance and temporary rental certificates of compliance, proceedings affecting the status of a certificate and appeals. Copies of such rules shall be placed on file in the office of the city clerk for inspection by the public.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.41. Change in ownership; sale or transfer of premises.

A person shall not sell or transfer premises which are subject to an outstanding housing order unless a copy of the order issued by the enforcing officer is provided to the person acquiring the premises. The person selling or transferring the premises shall notify the city of same in writing within ten (10) days of transferring ownership of the premises subject to the outstanding housing order. The notice to the city shall include the name, address and telephone number of the person acquiring the premises and the effective date of the transfer of ownership. The city shall immediately issue a new housing order to the person acquiring the premises. The person selling or transferring the premises who has failed to comply with an outstanding housing order shall not be relieved of the responsibility of having violated any provision of this article by selling or transferring the premises.

(Ord. No. 880; Ord. No. 1201, 10-1-97)

Sec. 14-4.42. Annual basic housing permit.

- (a) No property owner shall lease, rent or otherwise allow a rental unit to be occupied unless the department of environmental health has issued an annual basic housing permit for such rental unit.
- (b) The owner of a rental unit shall pay an annual permit fee for the issuance of an annual basic housing permit by the City of Holland. The annual permit fee shall be established and the rules adopted by the department of environmental health and approved by resolution of the city council as provided in section 14-4.40. The annual permit fee shall be paid on or before the tenth day of January of each year. The annual permit fee shall be paid to the city treasurer on or before January 10, 1988 and on or before the tenth day of January each year thereafter. The annual permit fee shall be paid to the city treasurer.
- (c) An administrative late charge shall be paid to the city by the owner if the annual permit fee is not paid on or before January 10. If the city treasurer's office is closed on January 10, there shall be no administrative late charge if the owner pays the annual permit fee to the city treasurer on the next business day after January 10. The amount of the administrative late charge shall be established by the rules of the department of environmental health, as approved by resolution of the city council pursuant to section 14-4.40.

(Ord. No. 880; Ord. No. 919, 3-4-87)

ARTICLE III. FAIR HOUSING*

*State law reference(s)--For "Elliot-Larsen Civil Rights Act," see M.S.A. , § 3.548(101) et seq.

Sec. 14-5. Declaration of policy.

It is hereby declared to be the policy of the city in the exercise of its police power for the protection of the public safety, health and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade, commerce and manufacture, to assure equal opportunity to all persons to live in adequate housing facilities, regardless of religion, race, color, national origin, age, sex, marital status or source of income and to that end to prohibit discrimination in housing.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-6. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission. The human relations commission of the city.

Financial institution. Any association or corporation regularly engaged in the business of lending money, guaranteeing loans or acting as a broker for the purpose of obtaining money for loans.

Housing accommodation. The term "housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is

intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

Person. An individual, association, corporation, joint apprenticeship, committee, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, any other legal or commercial entity, the state or any governmental entity or agency.

Real estate broker or salesman. A person, whether licensed or not, who for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these.

Real estate transaction. The term "real estate transaction" includes the sale, exchange, rental or lease of real property.

Real property. Buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.

Source of income. Source of income shall mean any legal source from which a person obtains money. This section shall not prevent reasonable inquiry regarding a person's source of income or the ability to meet the financial obligations of housing. This definition shall not be construed to prevent a good faith business determination relating to a person's ability to meet the financial burdens involved.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-7. Unfair housing practices--Real estate transactions generally.

It shall be an unfair housing practice and unlawful for an owner, real estate broker or real estate salesman, or any other person as defined in this article:

- (a) To refuse to negotiate for a real estate transaction with a person because of religion, race, color, national origin, age, sex, marital status or source of income.
- (b) To refuse to engage in a real estate transaction with a person because of religion, race, color, national origin, age, sex, marital status or source of income.
- (c) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith because of religion, race, color, national origin, age, sex, marital status or source of income.
- (d) To refuse to receive from, or to fail to transmit to, a person a bona fide offer to engage in a real estate transaction because of religion, race, color, national origin, age, sex, marital status or source of income.
- (e) To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, or to fail to bring a

property listing to his attention, or to refuse to permit him to inspect real property, under reasonable conditions, because of religion, race, color, national origin, age, sex, marital status or source of income.

- (f) To publish or advertise, directly or indirectly, an intent to make a limitation, specification or discrimination based on religion, race, color, national origin, age, sex, marital status or source of income.
- (g) To use a form of application for a real estate transaction for the purpose of making a limitation, specification or discrimination based on religion, race, color, national origin, age, sex, marital status or source of income.
- (h) To make a record or inquiry in connection with a prospective real estate transaction which indicates the religion, race, color, national origin, age, sex, marital status or source of income.
- (i) To offer, solicit, accept, use or retain in listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith with respect to religion, race, color, national origin, age, sex, marital status or source of income.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-8. Same--Pinching.

It is an unfair housing practice and unlawful for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance or improvement of real property, or a representative of such a person:

- (a) To discriminate against the applicant because of religion, race, color, national origin, age, sex, marital status or source of income.
- (b) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, the religion, race, color, national origin, age, sex, marital status or source of income.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-9. Same--Inducing of transactions.

It is an unfair housing practice and unlawful for a person, for the purpose of inducing a real estate transaction from which he may benefit financially:

- (a) To initiate, instigate or participate in a series of representations, advertisements or contacts within a block, neighborhood or area designed to promote real estate transactions in the block, neighborhood or area based on the implication, directly or indirectly, that changes have occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, marital status or source of income of the owners or occupants in the block, neighborhood or area in which the real property is located, or that the changes will or may result in the lowering of property values, or an increase in criminal or antisocial

behavior or a decline in the quality of the schools in the block, neighborhood or area in which the real property is located.

- (b) To solicit the sale or listing for sale of real property, by telephone, mail or personally, after the property owner has expressly requested the solicitor or the company he represents to cease such solicitation.

(Ord. No. 555; Ord. No. 906, 7-16-86)

Sec. 14-10. Same--Retaliation; discrimination; coercion; interference with commission; preventing compliance.

It is an unfair housing practice and unlawful:

- (a) To retaliate or discriminate against a person because he has opposed an unfair housing practice, or because he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this article.
- (b) To coerce a person to engage in an unfair housing practice.
- (c) To interfere wilfully with the performance of a duty or the exercise of a power by the commission or one of its members or representatives under this article.
- (d) To obstruct or prevent wilfully a person from complying with the provisions of this article.

(Ord. No. 555)

Sec. 14-11. Exemptions from article.

This article shall not apply:

- (a) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or lessor or a member of his family resides in one of the housing accommodations
- (b) To the rental of one or more rooms in a single-family dwelling by the owner or lessor if he or a member of his family resides therein.
- (c) To the sale or rental by the owner or lessor of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other which was not in any manner listed or publicly advertised for sale or rental.
- (d) To the rental of a housing accommodation for not to exceed twelve (12) months by the owner or lessor where it was occupied by him and maintained as his home for at least three (3) months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

(Ord. No. 555)

Sec. 14-12. Enforcement procedure.

- (a) *Complaints.* The commission may receive complaints from any person concerning violations or possible violations of any provision of this article. Such complaint shall be in writing, under oath, stating that an unfair housing practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient for the commission to identify the person charged. The complaint shall further state under oath that the complaint is made in good faith and not for the purpose of harassment or entrapment. Such complaint shall be filed with the commission within ninety (90) days after the alleged unfair housing practice occurred.
- (b) *Investigation.* The commission shall cause a prompt and full investigation of each complaint; such investigation to be undertaken by such agent or committee of the commission as the commission shall from time to time appoint and determine.
- (c) *Conciliation proceedings.* If the commission determines, after investigation, that probable cause exists for the complaint, it shall attempt to eliminate the unlawful practice by means of conciliation and persuasion. The commission shall not make public the details of any conciliation proceedings until the conditions have been satisfactorily adjusted or no further action is deemed advisable.
- (d) *Public hearing; statement of charges.* In any case of failure to eliminate the unlawful housing practice charged in the complaint by means of conciliation or persuasion, the commission shall hold a public hearing to determine whether or not an unlawful housing practice has been committed. The commission shall serve upon the person charged with having engaged in the unlawful housing practice a statement of the charges made in the complaint and a notice of the time and place of the hearing. The hearing shall be held not less than ten (10) days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person, or to be represented by an attorney or by any other person, and to participate in the hearing.
- (e) *Decisions and action by commission--Statement of findings of fact, dismissal of unjustified complaint.* If, upon the evidence presented, the commission finds that the respondent has not engaged in any unlawful housing practice, it shall state its findings of fact and the complaint shall be considered dismissed. If, upon all the evidence presented, the commission finds that the person has engaged or is engaging in an unlawful housing practice, it shall state its findings of fact.
- (f) *Same--Action when person fails to cease unfair housing practice.* In the event that the person charged with having engaged in the unlawful housing practice fails to cease such practice, the commission shall either:
 - (1) Certify the case and the entire record of its proceedings to the city attorney, who shall thereupon investigate evidence and shall take such legal course as the necessities of the case require, or
 - (2) Shall transfer jurisdiction of such matter to the state civil rights commission as provided in Act 112 of the Public Acts of 1968.

(Ord. No. 555)

Sec. 14-13. Violations and penalties.

The violation of any provision of this article shall be punishable by the penalties set forth in section 1-10.

(Ord. No. 555)

ARTICLE IV. HOUSING COMMISSION*

***Editor's note--**A Resolution of July 1, 1996 created a City of Holland Housing Advisory Commission to advise the city council on area-wide and city housing needs and the policies necessary to address these needs. These policies are not set out herein. Said Resolution further provided for the deletion of §§ 14-14--14-18 which contained similar subject matter and derived from Ord. No. 1062, adopted Aug. 5, 1992 and Ord. No. 1148, adopted July 5, 1995.

ORDINANCE NO. 1480

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLAND, MICHIGAN, BEING ORDINANCE NO. 1480 OF THE CITY OF HOLLAND, BY AMENDING SECTION 14-4.3 OF SAID CODE.

The City of Holland hereby ordains:

Section 14-4.3 is amended to read as follows:

Sec. 14-4.3. Appeals and Administrative Variances.

- (a) *Housing board of appeals established* The city shall appoint and establish a housing board of appeals pursuant to section 14-4.3. The housing board of appeals shall be known as the housing board of appeals. In addition to the five (5) regular members, the city may appoint two (2) persons to the housing board of appeals as alternate members, to serve in the absence of regular members, pursuant to rules and regulations adopted by environmental health and inspections, as approved by resolution of the city council
- (b) *Board duties* The housing board of appeals shall hear appeals from decisions of the enforcing officer and shall act upon questions relating to the administration, enforcement and interpretation of this article, including variances from the requirements of this article. The housing board of appeals shall conduct its hearings in accordance with this section and such other sections of this code.
- (c) *Appeal of enforcing officer order, public hearing* Any aggrieved party, including an occupant, may appeal an order issued by the enforcing officer to the housing board of appeals. The housing board of appeals shall hold a public hearing to review the decision of the enforcing officer and shall allow the enforcing officer and the aggrieved party and any other person to be heard and present evidence
- (d) *Staying of an order* An appeal shall stay an order denying or suspending a rental certificate of compliance, unless such suspension is for a major violation. In such cases, an appeal shall not stay the suspension of the rental certificate of compliance, unless the director of environmental health and inspections orders that it be stayed.
- (e) *Administrative variances*
- (1) *Ceiling height requirements* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing ceiling height requirements imposed under this code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to ceiling height) including light and ventilation requirements and floor area to height ratio requirements;
- b. Any ceiling light fixtures in the rooms covered by the variance request are recessed;
- c. The applicant does not request a variance greater than three (3) inches from the ceiling height requirements under this Code.

(2) *Guardrail height requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing guardrail height requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. An inspection of the property reveals that it fully complies with this Code (except as to guardrail height);
- b. The surface area below and/or immediately adjacent to the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not hard surfaced; that is, it shall not be a surface created out of asphalt, concrete, gravel, wood, or other hard surface material;
- c. The guardrail for which the variance is sought is at least twenty-four (24) inches in height or more;
- d. The general pattern of traffic on the balcony, deck, landing, porch, stair or walking surface is not right along the portion of the balcony, deck, landing, porch, stair or walking surface where the guardrail for which the variance is sought is located;
- e. The surface area of the balcony, deck, landing, porch, stair or walking surface on which is located the guardrail for which the variance is sought is not more than six (6) feet directly above the floor, grade, ground or surface area below, measured perpendicularly; and
- f. Spindle spacing and handrail height comply with this Code.

(3) *Room width requirements.* Upon a written request of a property owner, the enforcing officer may grant an administrative variance from the existing room width requirements imposed under this Code if the enforcing officer determines that all of the following conditions are met:

- a. The room is an existing room, not a proposed room;

b. An inspection of the property reveals that it fully complies with this Code (except as to room width) including, but not limited to, light and ventilation requirements and ceiling height, and the room in question has a minimum of 70 square feet of qualifying floor area;

c. The room has a window which is either an approved egress window, or is as large as any other bedroom windows in the structure;

d. The room cannot be made wider without substantial reconstruction, including but not limited to: relocation of exterior or bearing walls, relocation of a stairway, or relocation of plumbing or mechanical equipment. Substantial construction does not include the removal of a closet or the relocation of a non-bearing partition wall;

e. The room is equipped with a hardwired, interconnected smoke detector inside the room in addition to other smoke detectors required by this Code;

f. The room does not require, and has not been granted, an administrative ceiling height variance;

g. The door and the required window in the room are not, and shall not be, obstructed by furniture or other materials; and

h. The room, at any point in the room, is not less than 6' 9" in width.

(f) *Appeals.* Any owner or person who is aggrieved by the ruling or decision of the enforcing officer in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the housing-property maintenance code may appeal the decision or interpretation to the housing board of appeals.

(g) *Filing* Such appeal must be filed with the city clerk in writing, within thirty (30) days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the city has commenced prosecution proceedings pursuant to section 14-2(c)

(h) *Decision, housing board of appeals.* The appeal shall be decided by the following procedure:

(1) The housing board of appeals shall hold a public hearing to hear evidence of violations from the enforcing officer and the appellant. The appellant shall attend in person or may be represented by legal counsel.

(2) The housing board of appeals shall render its decision not more than sixty (60) days after the conclusion of the hearing. The failure to decide an appeal within sixty (60) days shall be deemed a denial. The decision of the housing board of appeals shall include findings of fact and conclusions of law based upon the evidence presented by the

enforcing officer and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before housing board of appeals.

(3) The housing board of appeals shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the enforcing officer. The housing board of appeals shall also have the authority and jurisdiction to grant a variance from this article for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The housing board of appeals shall not have the authority to grant a variance from any of the requirements of this article unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The housing board of appeals may not grant a variance from or waive any fees or late charges.

All other provisions of Chapter 14 shall remain in full force and effect

Ordinance Adoption Date: September 5, 2007

Ordinance Effective Date: September 26, 2007



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

July 25, 2008

Sgt Rick Pomorski
1150 Canton Center Rd
Canton Michigan 48188

Subject: Canton Township Municipal Ordinance

Dear Mr. Pomorski,

I am writing in response to the Canton Township ordinance you submitted to the Manufactured Housing Commission for approval. Our staff reviewed your ordinance and discussed it with the Attorney General at a recent meeting. We concluded that the Manufactured Housing Commission does not have authority over the proposed ordinance as there are no standards in the Mobile Home Commission Act and Manufactured Housing General Rules that are applicable to your ordinance.

If you have any further questions, feel free to contact me at (517) 241-9317

Sincerely,

Larry Lehman
Chief, Building Division
LL/rk

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
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192

PENDING LICENSE APPROVALS
AUGUST 13, 2008 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
John Maschino Maschino Mobile Home Movers 4311 Rumsey Road Pittsford, MI 49271	Mill Pond Company LLC d/b/a Mill Pond Village Mobile Home Park 1500 Old Mill Lane Lansing, MI 48911 Peter Helman, Operator
Paul W. Lamorandier MHPS 5350 Crimson Lane Kalamazoo, MI 49009	A.W. Partners, LLC 1993 Arbor Woods Boulevard Ypsilanti, MI 48198 Steven J. Fisher, Operator
Climate Guard Inc. 106 E. Third Street Imlay City, MI 48444 Stephen M. Sullivan, Operator	Traverse Realty & Development LLC d/b/a Better Living Homes of Traverse City 501 Woodcreek Boulevard Traverse City, MI 49686 Richard C. Hermann, Operator
Country Place Mobile Home Sales, Excavating, Trucking LLC 4151 E. Jordan Road Mt. Pleasant, MI 48858 Robert L. Didur, Operator	Sunrise Homes Company, Inc. 10667 Scarlet Oak Drive Ypsilanti, MI 48198 Karen S. Lutz, Operator
	Lakefront Estates Sales and Leasing, LLC 385 W. Brown Street Beaverton, MI 48612 Stacy O Buss, Operator